

THE CHANGING ROLE OF 'THE PUBLIC INTEREST' IN SERBIAN  
PLANNING PRACTICE

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## **Abstract**

This thesis presents research on the changing role of the concept of ‘the public interest’ in Serbian planning practice. It explores the relation between the process and outcomes of socialist and contemporary cases of planning in ‘the public interest’ in order to examine the potential causality between the employed procedures and results of planning practices. The proposed methodology is grounded in a phronetic approach to planning research, where the research methods follow from the research problem in order to reveal how ‘the public interest’ is shaped and articulated within the local context. Findings in this research were mainly derived through interpretive analysis of interviews conducted with planning professionals from public, private, NGO and international consultancy sector and some representatives of the general public in Belgrade, the capital of Serbia. These are complemented by content and quantitative analysis of planning legislation and plans, since socialism. The results indicate that the socialist cases were characterized by the lack of procedural ‘public interest’ through public engagement. However, the outcomes of such practices still represent the benchmark of ‘good planning’ that is ‘in the public interest’ for most of the interviewees in this research. In addition, the study of contemporary cases shows that the existence of a public consultation arena does not necessarily mean that ‘the public interest’ will be achieved in either process or the outcomes. In these cases, ‘the public interest’ was derived in a form of social activism, networking and social capital. These were created due to the lack of transparent and participatory process and lack of implemented public goods, besides being articulated as the result of the collaborative process, as suggested in the communicative planning theory. The contribution of this research is to offer a basis for the re-examination of rational and communicative planning theory in relation to the treatment of ‘the public interest’, in the context of a post-socialist country.

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## Table of contents

Chapter 1	Introduction .....	1
1.1	Background to the problem .....	1
1.2	Theoretical justifications .....	3
1.3	Justification for practice .....	6
1.4	Aims and objectives .....	7
1.5	Methodological justification.....	9
1.6	An outline of the thesis.....	13
1.7	Key definitions .....	15
Chapter 2	‘The public interest’ and planning concepts .....	17
2.1	Introduction .....	17
2.2	Social sustainability and ‘the public interest’ .....	17
2.3	The nature of ‘the public interest’ concept.....	19
2.4	Planning, rationality and interests .....	22
2.5	Planning and interests.....	29
2.6	An overview of the methodological approaches to planning research.....	30
2.7	Concluding remarks.....	37
Chapter 3	‘The public interest’ in Serbian planning practice .....	40
3.1	Introduction .....	40
3.2	Overview of different planning eras.....	40
3.3	Some characteristics of the planning system in Serbia .....	48
3.4	‘The public interest’ in Serbian planning practice .....	53
3.5	Concluding remarks.....	59
Chapter 4	Adopted methodology .....	61
4.1	Introduction .....	61
4.2	Problem-driven research design .....	62
4.3	Case study approach.....	64
4.4	Mixed-method approach.....	68
4.5	Possible limitations of the research .....	84
4.6	Concluding remarks.....	85
Chapter 5	Analytical framework.....	88
5.1	Introduction .....	88
5.2	‘The public interest’ as legitimizing notion.....	90
5.3	‘The public interest’ as a norm for planners.....	95
5.4	‘The public interest’ as a criterion of plan preparation .....	98
5.5	Public interest as a criterion for plan implementation and evaluation .....	103
5.6	Conclusion - refining the analytical framework.....	107
Chapter 6	Process and procedures of planning ‘in the public interest’ .....	111

6.1	Introduction .....	111
6.2	Introduction to cases.....	112
6.3	Norms as a basic instrument for achieving ‘the public interest’ in plans.....	117
6.4	Legitimate scope of planning ‘in the public interest’ .....	127
6.5	The role of planning professionals in planning ‘in the public interest’ .....	139
6.6	‘Public interest’ as ‘the interest of public’ .....	148
6.7	Concluding remarks.....	156
Chapter 7 ‘The public interest’ in the outcomes of socialist and post-socialist planning practice in Serbia.....		161
7.1	Introduction .....	161
7.2	Public good norms and standards in city-level plans - GUPs .....	162
7.3	Comparative analysis – Cases of Block 23 and Stepa Stepanović.....	168
7.4	Summary .....	172
7.5	The outcomes through qualitative inquiry.....	173
7.6	Outcomes of contemporary practice.....	183
7.7	Conclusion.....	194
Chapter 8 Practical and theoretical implications .....		199
8.1	Introduction .....	199
8.2	Process and outcomes of planning ‘in the public interest’ .....	199
8.3	Conclusion.....	215
Chapter 9 Conclusions and recommendations.....		217
9.1	Introduction .....	217
9.2	Contribution of the research .....	217
9.3	Recommendations .....	229
9.4	Implications in relation to method.....	235
9.5	Limitations of the research .....	237
9.6	Open field for future research.....	239
Appendices.....		241
Appendix 1 – Information sheet.....		241
Appendix 2 – Consent form .....		243
Appendix 3a – Interview guide for planning professionals.....		244
Appendix 3b – Interview guide for residents of neighbourhoods .....		246
References .....		247

## List of tables

Table 3.1: Plans and levels of government in planning and development in Serbia .....	51
Table 3.2: Public participation procedure in the Law on Planning and Construction ....	57
Table 4.1: The sample for qualitative strand.....	75
Table 4.2: Framework for coding qualitative data .....	80
Table 4.3: Framework for analysing quantitative data.....	83
Table 6.1: Overview of conducted meetings and number of participants in the intermediate stage of plan preparation .....	150
Table 6.2: Socialist and contemporary process of planning ‘in the public interest’ .....	159
Table 7.1: Comparing the land-use balances in 1950, 1972, 1985 and 2001 .....	163
Table 7.2: Norms for public land use.....	165
Table 7.3: Land-use balances for Block 23 and Stepa Stepanović .....	169
Table 7.4: Norms and standards for housing and green and free areas within housing for Block 23 and Stepa Stepanović neighbourhoods .....	170
Table 7.5: Norms for primary schools .....	171
Table 7.6: Norms for kindergartens .....	171
Table 7.7: Socialist and contemporary outcomes of planning ‘in the public interest’ ..	197
Table 8.1: Process and outcomes of socialist planning ‘in the public interest’ .....	201
Table 8.2: Process and outcomes of contemporary planning ‘in the public interest’ ...	201

## List of figures

Figure 1.1: Aims and Objectives.....	8
Figure 1.2: Socialist and contemporary, city and neighbourhood-level cases ‘in the public interest’ .....	12
Figure 3.1: Youth Work Brigade in New Belgrade in 1948 .....	42
Figure 5.1: Basic, organizational and global themes .....	88
Figure 6.1: Analytical framework and procedural themes .....	112
Figure 6.2: Radiant city by Le Corbusier .....	113
Figure 6.3: Model of New Belgrade .....	113
Figure 6.4: Bird’s eye view of Block 23 .....	114
Figure 6.5: Kindergarten and housing in Block 23 .....	115
Figure 6.6: 3D model of Belgrade Waterfront .....	116
Figure 6.7: Stepa Stepanović neighbourhood .....	117
Figure 6.8: Pavilions, New Belgrade .....	120
Figure 6.9: New Belgrade open blocks .....	121
Figure 6.10: 3D same scale view of Block 23 and part of Stepa Stepanović neighbourhood .....	126
Figure 6.11: 3D Scheme of the Belgrade Waterfront project .....	131
Figure 6.12 General and professional public protesting at the public hearing for the adoption of Amendment the GUP (2014) – STOP THE INVESTOR’S PLANNING .....	153
Figure 7.1: Change of land-use in New Belgrade from 1950 and 2003 .....	166
Figure 7.2: Land-use for Sava Amphitheatre .....	167
Figure 7.3: The Palace of the Federative Executive Council .....	174
Figure 7.4: Student city, New Belgrade .....	175
Figure 7.5: Layout of New Belgrade in 1980 and 1990.....	176
Figure 7.6: Floor plan of Block 23.....	177
Figure 7.7: Protest at the ‘Salon of Urbanism’ .....	188
Figure 7.8: Protest ‘We won’t let Belgrade d(r)own’ .....	188
Figure 7.9: Protest ‘We won’t let Belgrade d(r)own’ .....	188
Figure 7.10 Local newspaper of the NGO ‘Ministry of Space’ .....	189
Figure 7.11: Experts forum organized by the NGO ‘Ministry of Space’ .....	190
Figure 7.12: Web page of public online forum ‘Stepa’ .....	192
Figure 7.13: Public protest in Stepa Stepanović neighbourhood .....	194
Figure 7.14: Public protest in Stepa Stepanović neighbourhood .....	194

## Abbreviations

CIAM.....	Congrès International d'Architecture Moderne
DUP.....	Detailed Urban Plan
DD.....	Development Directorate
EU.....	European Union
GUP.....	General Urban Plan
JVA.....	Joint Venture Agreement
IDPs.....	Internally Displaced Persons
MCUD.....	Ministry for Construction and Urban Development
MF.....	Ministry of Finance
NGO.....	Non-Governmental Organization
NUTS.....	Nomenclature of Territorial Units for Statistics
OURs.....	Organizations of Associated Labour
PGR.....	General Regulation Plan
PS.....	Public Services
RS .....	Republic of Serbia
SGIs.....	Services of General Interest
SPSP.....	Spatial Plan of Special Purpose
SUP.....	Secretariat for Urban Planning
UP.....	Urban Project
UPL.....	Urban Planning Institute



# Chapter 1 Introduction

## 1.1 Background to the problem

There is a widespread acceptance of the idea that planning practice serves as a main advocate of ‘the public interest’ (Campbell & Marshal, 2002:164; Alexander, 1992:129; Sandercock and Dovey, 2002:152). Hoch (1994) goes so far as to suggest that planning cannot operate if it does not use the concept of ‘the public interest’ as the main pillar for decision-making and universality of planning provisions.

Yet there appears to be a lack of research that has empirically engaged with the concept of ‘the public interest’, and specifically in relation to planning practice. The reason for this might be that the concept itself is as an ill-fitting criterion for an empirical investigation. As Klosterman puts it,

‘...despite its traditional and contemporary importance for planning and other areas of public policymaking, the public interest is often rejected as a vague criterion whose application cannot be rationally defended or empirically verified.’

Klosterman (1980:324)

The question that arises is: why is planning practice constantly returning to the term ‘in the public interest’, as a means of justifying planning action and / or planning decisions, even though the concept itself is often characterized by obscurity, debates and lack of empirical evidence? Perhaps one of the reasons is that ‘planning, as an organization of hope’ (Forester, 1999:177), is struggling to define and preserve ‘the public interest’ under the pressure of variety of other interests in a market-economy context. As Bozeman (2007:11) explains:

‘...even though public interest theory receives less attention now than 50 years ago, concern for ‘public interest’ [its active incarnation in public policy and management] remains high. In part, this is because legislators continue making laws referring to the ‘public interest’, regulators regulate in ‘the public interest’, and courts rule in the ‘public interest’. The term public interest appears often in statutes as a shorthand admonishing against full capture by organized economic and corporate interests and by other varieties of associational interest groups.’

Bozeman (2007:11)

Accordingly, Hoch (1994) explains that the ‘resurrection’ of the concept of ‘the public interest’ represents an attempt by the planning profession to preserve public and non-profit goods in the time of ‘investors’ planning’ and the market economy. This notion might be pertinent for Serbia as a post-socialist country, where in socialist times the State was fully responsible for planning and development. After the breakdown of socialism, different social, political and economic circumstances brought forward new actors with new interests, and there is thus a need to recognize and implement ‘the public interest’ within that arena.

Some international and Serbian authors, however, contend that a number of powerful and individual interests tend to be hidden under the veil of ‘the public interest’ (Petovar & Vujošević, 2008; Campbell & Marshall, 2000, 2002). They claim that the term ‘in the public interest’ serves to legitimize planning decisions of powerful decision-makers when there are still significant areas of disagreement (Campbell & Marshall, 2002:165). As these authors explain,

‘...what constitutes ‘the public interest’ has always been contentious, but its value as a legitimizing concept has increasingly been called into question in the recent past for the reason that it cannot be given operational meaning either by those who make policy or by those who evaluate it.’

Campbell & Marshall (2002:163)

Alexander (2002) also considers the legitimizing role of the idea of ‘the public interest’ in planning. Moreover, he recognizes that ‘the public interest’ serves as a norm for planning practitioners, and as a criterion for plan evaluation (Alexander, 2002:226-227).

In Serbia, the term ‘in the public interest’ has been used within planning legislation and across various policy documents related to planning practice. Since socialism, the term ‘public interest’ is attached to the instrument of expropriation / compulsory purchase of land, where the State can expropriate privately owned land or buildings only if the new land-use is ‘in the public interest’ – meaning, within the current public and non-profit realm, i.e. public goods. This definition of ‘the public interest’ is different to that of the socialist era, where the State could conduct expropriation for the purpose of developing not only non-profit, but mainstream economic land-uses in public / societal ownership, too.

A brief overview of the possibilities for defining ‘the public interest’ provides some understanding of the complexity of the concept. Given that the term ‘in the public interest’ is recognized within the Serbian legal framework, it might be argued that this concept is not necessarily a ‘vague criterion’ that cannot be measured or empirically verified (Klosterman, 1980). This assumption is in line with Foucault’s claim that there is no discourse without context (Foucault, 1971). Moreover, as Fainstein (1999) or Flyvbjerg (1998, 2004, 2012) suggest, planning theory and planning practice cannot be detached from the local context where they operate. Hence, this research is based on the premise that, although it might be difficult to investigate the changing role of ‘the public interest’ in planning in certain local contexts, the concept itself can be defined and possibly empirically verified within the local Serbian context.

## **1.2 Theoretical justifications**

The available literature is mainly concerned with the means of identifying, defining and implementing ‘the public interest’ (Cassinelli, 1958; Held, 1970; Klosterman, 1978; Kaul et al., 1999; Alexander, 2000; Bozeman, 2007). There is a major body of literature concerned with the differences between the collective / common-value approach, according to which ‘the public interest’ is a notion shared between the members of community, and the pluralist approach, where ‘the public interest’ is seen as a sum of individual or diverse group interests (Klosterman, 1978; Alexander, 2000, 2002).

Bozeman (2007) considers ‘the public interest’ theory through the common-value approach. As he explains, ‘the public interest’ should be concerned with ‘means of conceptualizing, explaining, and, sometimes, prescribing collective good’, while the concept itself refers to ‘those outcomes best serving the long-run survival and well-being of a social collective construed as a ‘public’’ (Bozeman, 2007:99). In relation to planning, the common-value approach is often attached to the unitary and rational planning theory where ‘the public interest’ is prescribed top-down and observed as a desired outcome, or, a ‘collective moral imperative that transcends particular or private interest’ (Alexander, 2002:230). Hence, based on the unitary, common-value approach and rational planning theory, ‘the public interest’ is often regarded as ‘desired outcome’, where rationally defined ends provide justification for adopted means / procedures (Long, 1959; Faludi, 1973; Klosterman, 1978).

On the other hand, the utilitarian approach to defining and implementing 'the public interest' claims that what is 'in the public interest' cannot be considered a 'common value' due to the pluralism of interests of the members of community. In this case, 'the public interest' is seen as an aggregation of individual values (Alexander, 2002:230). If compared to the rational understanding of 'the public interest' through prescribed, unitary concepts and instrumental rationality, the utilitarian approach requires a procedurally open and transparent public arena in order to consider 'what is in the public interest' (Campbell & Marshall, 2002).

The utilitarian pluralist approach to 'the public interest' starts from the assumption that communities are fragmented (Healey, 1997; Campbell and Marshall, 2002). According to this approach, 'the public interest' should reflect a variety of interests through discursive practice (Healey, 1997:297). This position is attached to a theory of communicative action (Habermas, 1984), and represents the basis of a collaborative planning theory. 'Public interest' here has a procedural, rather than an outcome-based connotation and can be understood in two ways. Firstly, it represents the right for everyone to be treated fairly and equally in the decision-making process (Howe, 1992). Secondly, it is assumed that 'the public interest' is achieved through the transparency of the decision-making process, where, if 'the participatory approach is adopted then the result will be in the public interest whatever the actual outcomes is' (Campbell & Marshall, 2002:178).

One of the most significant critiques of the collaborative model is that it shows a lack of concern for the power relations and variety of interests at the early stages of the planning process. As Flyvbjerg and Richardson (2002:44-62) point out, Habermas' theoretical approach to communicative action is incomplete because it assumes that everybody has equal rights and skills to communicate towards achieving their interests. Therefore, it is argued that, although the utilitarian approach to defining and implementing the public interest requires open, deliberative and collaborative processes, it often fails to address 'the public interest' because the interests of the powerful tend to dominate planning discourse (Lukes, 1974; Flyvbjerg, 1998; Campbell & Marshall, 2002).

In addition, theorists that promote a collaborative approach to planning are criticized for detaching the theoretical debates from the actual process and outcomes of planning, as well as the local context where these are articulated (Fainstein, 1999). As Forester argues:

‘Planning theory today gives us too little analysis of better and worse planning, as if notions of good and bad, right and wrong, were the province of simple relativists, as if better and worse were only matters of perspective... A planning literature that remains intellectually inarticulate about questions of value, questions of better and worse processes and outcomes can hardly be worth much, I will argue.’

Forester (1999:177)

In relation to Forester’s remark and in order to be able to examine the potentially changing role of ‘the public interest’ in Serbian planning practice, this research will aim to provide an analysis of both process and outcomes of planning ‘in the public interest’, within the local Serbian context. This is a context in which the common-value, unitary approach to defining and implementing ‘the public interest’ is attached to the rational planning practice of the socialist era in Serbia, where the State was the main protagonist of both planning and development (Petovar & Vujošević, 2008; Lazarević-Bajec, 2011). In this era, what was ‘in the public interest’ was presumably implemented top-down, rationalized and legitimized through a scientific, technical approach to planning and without the legal obligation for participation of public until 1960s. This research will aim to provide a basis for the re-evaluation of this assumption in relation to the socialist planning practice ‘in the public interest’ (Chapters 6 and 7).

On the other hand, current planning practice in Serbia is often considered to be procedurally ‘more collaborative’ than that of the socialist era, due to the legally obligatory public participation in formal Serbian planning practice (Lazarević-Bajec, 2011). It can therefore be assumed that contemporary planning practice provides more possibilities to address the procedural ‘public interest’, in comparison with the early pre-1961 socialist era. This assumption is based on the claim of collaborative planning theorists that ‘the public interest’ will be achieved through deliberative process, regardless of the actual outcome of planning practice (Campbell & Marshall, 2002:178). This research will aim to provide a basis for the re-evaluation of this assumption in relation to contemporary planning practice ‘in the public interest’ (Chapters 6 and 7).

Considering the process as well as outcomes of planning practice might provide an understanding of whether, and how, the existence, or lack of existence, of ‘the public interest’ in process necessarily implies a corresponding existence, or lack of existence of ‘the public interest’ in outcomes of socialist and contemporary planning practices. It is expected that these findings could contribute to a re-examination of theoretical positions on the treatment of ‘the public interest’ through a rational and collaborative approach to planning (Chapter 9).

### **1.3 Justification for practice**

Assuming that ‘the public interest’ can be empirically considered in relation to the local Serbian planning context, this section will briefly propose some of the domains of Serbian planning practice where ‘the public interest’ is potentially articulated. It will propose four dimensions that were derived from the content analysis of Serbian planning legislation and policies, and which will serve as ‘basic’ themes within the analytical framework of this research.

As seen in the previous section, the term ‘in the public interest’ is attached to the instrument of expropriation, both under socialism and today (Law on Expropriation, 1973 or 1984, 1995/03). The current legal definition of expropriation states that the land can be purchased compulsorily from the private owner only if the future land-use is ‘in the public interest’, that is, public land-use and Services of General Interest (SGIs) (Law on Expropriation, 2003). Therefore, the expropriation of land can be observed as one of the dimensions of Serbian planning practice where ‘the public interest’ is possibly articulated.

In addition to the ownership status within the instrument of expropriation, ‘the public interest’ in Serbian planning practice is related to planning and provision of public land-use and SGIs (Services of General Interest), their spatial distribution and use, as well as the areas and capacities they require. Unlike in the previous Law on Planning and Construction (2003) where ‘the public interest’ is mentioned only in terms of the need to protect ‘general interests in the performance of professional duties’, the Law on Planning and Construction (2014) uses the term ‘public interest’ for the purposes of considering public land-use as an

‘...area defined by a planning document for construction of public facilities or public spaces which are provided for determining the public interest in accordance with the law (streets, squares, parks, etc.).’

Therefore, planning of public land-use and SGIs are identified as a second dimension of Serbian planning practice where ‘the public interest’ is possibly articulated.

The previous two dimensions of planning practice concerned with the provision of public land-use and SGIs can be observed as a normative articulation of ‘the public interest’. This stand is based on the notion that both expropriation of land and planning of public land-use are regulated in the legal and planning framework, where their definition is imposed top-down. On the other hand, public participation can be considered as a procedural means of obtaining a bottom-up, substantive expression of ‘the public interest’. As such, it is identified as a third dimension of Serbian planning practice where ‘the public interest’ is possibly articulated.

Finally, following the definition of where ‘the public interest’ serves as a main pillar for the decision-making process (Hoch, 1994), it can be argued that ‘the public interest’ represents a certain norm for planning practitioners within their daily work (Alexander, 2002). Therefore, the daily practice of planners can be observed as an arena where ‘the public interest’ and other interests are manifested, articulated and possibly balanced. Hence, the fourth and final dimension of Serbian planning practice where ‘the public interest’ is possibly articulated is identified as the daily practice of planning professionals.

The proposed four dimensions of ‘the public interest’ in planning practice were derived from a content analysis of the Serbian legal and planning framework. It should be noted that these dimensions also constitute the ‘basic themes’ of the contextual framework, which aim at providing the possibility of further investigation into the articulation of ‘the public interest’ in Serbian planning. However, the researcher does not propose these dimensions in the form of a ‘hard framework’ that cannot be changed, regardless of the local context or availability of evidence.

#### **1.4 Aims and objectives**

The overall research aim is to examine the changing role of ‘the public interest’ in urban planning practice in Serbia. This is to be achieved through specific objectives, as shown in Figure 1.1.

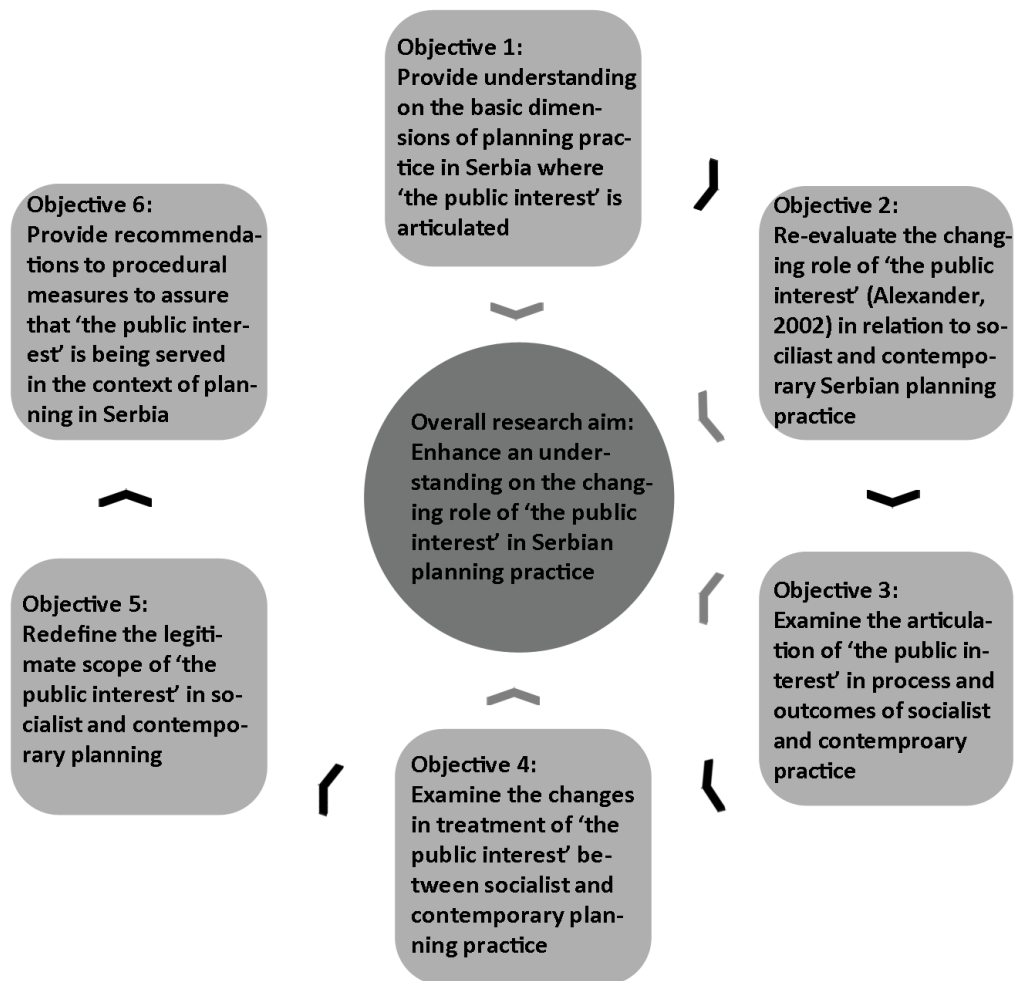


Figure 1.1: Aims and Objectives

The first objective of this research is to provide an understanding of the possibilities for the articulation of 'the public interest' in basic dimensions of Serbian planning practice, identified as:

- expropriation of land,
- planning of public land-use and SGIs,
- public participation, and
- daily planning practice of planning professionals;

The second objective of this research is to provide an in-depth understanding of the possible roles that the idea of 'the public interest' plays in relation to identified dimensions of Serbian planning practice (objective 1). These findings would provide a basis for the re-evaluation of Alexander's position, according to which 'the public interest' in planning serves as:

- a legitimizing notion,



- a norm for planning professionals, and
- a criterion for plan evaluation;

The third objective of this research is to provide an in-depth understanding of whether and how ‘the public interest’ is articulated in the process and outcomes of socialist and contemporary planning practice. Considering the process as well as outcomes of planning practice might provide an understanding of whether and how the existence, or lack thereof, of ‘the public interest’ in the process necessarily implies a corresponding existence, or lack thereof, of ‘the public interest’ in the outcomes of socialist and contemporary planning practices. These findings should provide a basis for re-evaluating rational and collaborative planning theory as the basis of socialist and contemporary planning practice.

The fourth objective of this research is to examine and compare socialist and contemporary cases in relation to the treatment of ‘the public interest’ in both process and outcomes. It is expected that these findings would provide understanding of the potentially changing role of ‘the public interest’ in relation to the change in ruling ideology, from socialism to a market-economy. In addition, they would provide empirical evidence of the possible path-dependency of contemporary planning practice in Serbia.

Achieving these objectives should enable this study to attain its main research aim – an enhanced understanding of the complex role ‘the public interest’ plays in Serbian planning practice, as well as possibly contributing to re-evaluation of planning theory with regards to the treatment of the concept of ‘the public interest’. In addition, this study will aim at redefining the legitimate scope and content of ‘the public interest’ in contemporary plans / planning practice and provide recommendations for procedural measures that are required to assure that ‘the public interest’ is being served in the context of spatial planning and urban development.

## **1.5 Methodological justification**

Given the definition and implementation of ‘the public interest’ in Serbian planning practice, it seems that the concept is not necessarily a ‘vague’ criterion for empirical research, and that previous research perhaps lacked a contextual base that would allow an insight into the possibilities for its operationalization. Therefore, the methodological framework of this study is based on an approach that proposes gaining an in-depth

knowledge and contextual familiarity with planning practice in a local setting, leading to an in-depth understanding of the researched phenomenon – in this case ‘the public interest’. This rationale is grounded in the phronetic approach to planning research (Flyvbjerg, 1998, 2004; Flyvbjerg et al., 2012).

The concept of *phronesis* dates back to Aristotle, and refers to a ‘practical wisdom’ that comes from an intimate familiarity with certain aspects of the practice wherein the social phenomenon is framed and / or articulated (Flyvbjerg et al., 2012). The phronetic approach aims to provide ‘knowledge that the people being studied can themselves use to better address the problems they are experiencing’ (Schram, 2012:16), while also aiming for a model of how to produce scientific knowledge that can inform about social relations.

In order to practice and interpret *phronesis*, the researcher should possess a contextual understanding of the local circumstances where the social phenomenon, i.e. ‘the public interest’ is articulated (Flyvbjerg et al., 2012). Hence, the researcher should first recognise the main problematic around the phenomenon in question and, based on that knowledge, propose the methodology that might lead to *phronesis*. This kind of approach seeks out a problem-driven research design, where ‘phronetic social science puts the emphasis, not on particular research methods or types of data, but on producing research that can enhance phronesis by increasing understanding in specific contexts’ (Schram, 2012:19).

### ***1.5.1 Context dependency and path-dependency***

In order to gain an in-depth understanding of the changing role of ‘the public interest’ in Serbian planning practice, and therefore provide knowledge that people being studied can themselves use in order to reach better understanding of the problems they are experiencing, the phronetic researcher should observe the main problem through the ‘eyes of practitioners’ (Flyvbjerg, 1999). In this case, it is assumed that it is the practitioners who possess ‘practical wisdom’, i.e. Aristotelian *phronesis*.

Phronetic research should apply a methodology that is not pre-determined, but problem-driven (Flyvbjerg, 2006). Problem-driven research design recognises the value of the context-based strategy based on a case study. Some of the main characteristics of this approach include the idea that the case study produces a context-dependent knowledge that

brings the research to an ‘expert level’, where ‘concrete, context-dependent knowledge is more valuable than the vain search for predictive theories and universals’ (Flyvbjerg, 2006:225).

The importance of context-dependency is also recognised within the widely used ‘path-dependent’ / historical approach to research on post-socialist societies in general and Serbia in particular. There, the argument that the socialist era produced a unique urban model - substantively different to capitalist cities - represents a base for path-dependency research on post-socialist societies (Szelenyi, 1996). Hence, it is assumed that the concrete context-dependent knowledge on the changing role of ‘the public interest’ in planning practice in Serbia could be reached through an in-depth inquiry focused on specific socialist and post socialist cases of ‘planning in the public interest’.

### ***1.5.2 Problem-driven case study design***

In terms of epistemological considerations, this research looks for both understandings and explanations of the role of ‘the public interest’ in Serbian planning practice. As Flyvbjerg (2012) states, these can be reached through a mixed-method case study approach. In relation to the proposed problem-driven research design, qualitative inquiry was employed as a primary method, and quantitative inquiry as a secondary and complementary method of data collection and analysis.

Qualitative inquiry in this research was employed with the aim to enhance the *phronesis* - by providing an in-depth understanding of the work of planning practitioners. The ‘quest’ for cases of planning in ‘the public interest’ was begun without any preconceptions as to what these case studies might be. Hence, the specific cases for this research were derived from qualitative interviews with planning professionals in Belgrade, where interviewees were asked to provide an example of development in Belgrade that is ‘in the public interest’.

The case study inquiry includes four cases: two large-scale developments (a socialist and a contemporary example), and two neighbourhood-level developments (a socialist and a contemporary example). Although all four case studies were derived from interviews with planning professionals, it should be mentioned that they are also defined as ‘in the public interest’ in the Serbian legal and planning framework (Law on Planning and Construction, Law on Expropriation and *Lex Specialis*). These case

studies aimed to reflect different levels of planning - broader large-scale developments, as well as specific neighbourhoods, or smaller-scale representatives of the socialist and contemporary planning and development eras (Figure 1.2). The two large-scale developments were identified as the central part of New Belgrade from the socialist era, and Belgrade Waterfront, as a contemporary case in progress. Two neighbourhood-level developments were identified as Block 23 as a neighbourhood in New Belgrade, and Stepa Stepanović neighbourhood as a contemporary example.

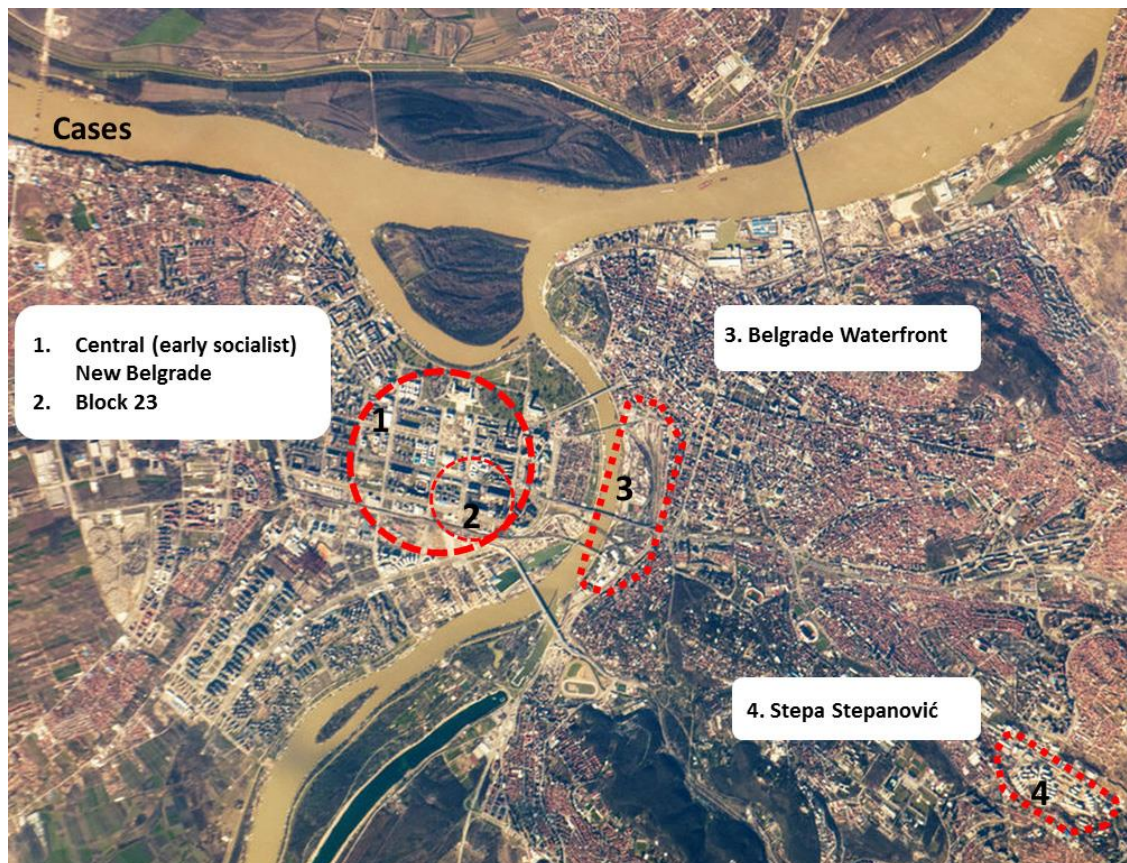


Figure 1.2: Socialist and contemporary, city and neighbourhood-level cases ‘in the public interest’

The qualitative inquiry in this research was aimed at revealing the context-rich knowledge of planning practitioners on the role of ‘the public interest’ within planning practice in Serbia. In addition to considering the work of planning practitioners in this research, the interview was also applied to a small number of residents in each neighbourhood-level case in order to obtain the fuller image on the effects/outcomes of planning ‘in the public interest’. Qualitative inquiry was complemented by participant observation during two public meetings during the procedure of the Belgrade

Waterfront plan adoption, while the Stepa Stepanović case included qualitative data obtained from the website of the neighbourhood.

The narratives or ‘stories’ of interviewees and participants at public meetings constitute the basis of this research. These narratives highlight a variety of elements at both the macro-level – such as providing the examples of planning ‘in the public interest’ – and at the micro-level, such as considering the characteristics of specific domains of planning practice. These ‘stories’ provided an in-depth understanding on the context where the social phenomenon in question is articulated, as well as the ways this articulation occurs (McLellan et al., 2003:67).

Quantitative inquiry serves as a secondary and complementary method of identifying the articulation of ‘the public interest’ within Serbian planning legislation, as expressed through plans at city and neighbourhood-level. It aims to provide the possibility for data triangulation on specific case-studies. In addition to the points already made about aiming for better understanding of the research problem and developing the theoretical understanding on the concept of ‘the public interest’ in planning, through an inductive cycle, it is assumed that the mixed-method case study approach holds potential to provide sound quantitative evidence that will support, reject or modify the theoretical ground from which the research has begun, in other words a deductive cycle.

## **1.6 An outline of the thesis**

This chapter aimed to provide an introduction to the research into the changing role of ‘the public interest’ in Serbian planning practice by presenting a brief justification of the scope of research and chosen methodology. With this in mind, Chapter 2 will aim to elaborate the theoretical background of the concept of ‘the public interest’ and its relation to planning theory. Additionally, it will provide a brief overview of the existing research in relation to the applied methodology.

Chapter 3 will provide a basic explanation of some aspects of Serbian planning practice which are required for the investigation of the articulation of the social phenomena within this local context. Moreover, it will aim to provide a justification for the application of the path-dependency approach to research on post-socialist societies, where it is assumed that the historical background affects the current urban affairs of the post-socialist cities and makes them distinctive in relation to their capitalist comparators

(Szelenyi, 1996). Finally, it will aim to provide an understanding on the dimensions of Serbian planning practice where ‘the public interest’ is articulated.

Chapter 4 will provide an elaboration of the methodological framework by considering possibilities for the operationalization of the phronetic approach to the research of planning practice. In addition, it will aim to justify the choice of methods based on problem-driven research design, as well as to set an outline for the case study analysis.

Chapter 5 will aim to provide an insight into the analytical framework for this research. It will elaborate the approach to data coding and three-dimensional data analysis through ‘basic’, ‘organizational’ and ‘global’ themes. While the basic themes are related to the four dimensions of Serbian planning practice where ‘the public interest’ is articulated, the organizational themes are based on the re-evaluated definition on the potential roles of ‘the public interest’ in planning practice earlier identified by Alexander (2002). Global themes of the case study analysis are related to process and outcomes of planning ‘in the public interest’. Hence, Chapter 5 will represent a contextual base for the following stage of the case study analysis (Chapters 6 and 7).

Chapter 6 will consider the global theme of process, or, the procedural measures to assure that ‘the public interest’ is implemented in socialist and contemporary cases, while Chapter 7 will aim to address the outcomes of these processes. By considering both the process and outcomes, this research has the potential to provide an understanding of whether and how the existence, or lack thereof, of ‘the public interest’ in process necessarily implies a corresponding existence, or lack thereof, of ‘the public interest’ in the outcomes of socialist and contemporary planning practices (Chapter 8). It is expected that these findings could later help re-examine the theoretical stands on the treatment of ‘the public interest’ within the rational and collaborative approach to planning (Chapter 9).

Therefore, Chapter 8 will be concerned with interpreting the findings obtained in Chapters 6 and 7, while Chapter 9 will provide conclusions to this research by answering the main research question and sub-questions. Moreover, it will aim to propose a theoretical stand that might serve as a basis for contemporary practice in Serbia that would assure that ‘the public interest’ is achieved in both process and outcomes. Finally, it will offer the practical procedural measures that are required to

assure that ‘the public interest’ is being served in the context of spatial planning and urban development.

## 1.7 Key definitions

The previous sections of this chapter provided some understanding on the variety of definitions of ‘the public interest’ in planning. This section will engage with some of the key definitions that are closely related to the term ‘public interest’ and / or the local Serbian planning practice, and as such will be repetitively used in further chapters of this research.

- 1) **Public land-use** – In this research we use the term ‘public land-use [and SGIs]’ to characterize non-profit land-use in the category of ‘public goods’, that is non-excludable and / or non-rival in consumption (Peston, 1972). The term ‘public land-use’ is employed in Serbian planning legislation in relation to both the Law on Planning and Construction (2014) and the Law on Expropriation (2003). The Law on Planning and Construction defines public land-use as ‘the land and facilities intended for public use only, and can be either publicly owned, or can take any other form of ownership’ (Law on Planning and Construction, 2014). However, it also attaches the land-use to the instrument of expropriation where the public land-use is an ‘area defined by a planning document for construction of public facilities or public spaces which are provided for determining the public interest in accordance with the law (streets, squares, parks, etc.)’.
- 2) **SGIs** –The EU uses the term ‘Services of General Interest’ – SGI, or services of general economic interest, that is, those services responsible for meeting needs that are vital to the public’s well-being. The definition of SGI emphasizes the responsibility of public authorities to ensure the supply of these services, regardless of whether they are profitable within the free market economy. SGI include a wide range of services within EU countries - the supply of water, energy, waste management, health care, education, social protection, the postal service. The operation of SGIs in Serbia is regulated by the Law on Public Services (2005) as well as other laws. Within the Law, public services are defined as institutions, enterprises and other organizations that perform activities to ensure the realization of citizens’ rights and needs. SGIs are established in the fields of education, science, culture, physical education, health care, social care,

child care, social security, animal health care, and in order ‘to ensure the realization of the rights provided by the law, and realization of the public interest’ (Article 1, Law on Public Services, 2005).

- 3) **Expropriation** – compulsory purchase; According to the current legal framework in Serbia, expropriation of land and / or objects can be conducted for the purpose of developing public land-use and / or SGIs. As explained in Article 20 of the Law on Expropriation (2003): ‘The Government may determine the public interest for expropriation of the property/ownership over the land necessary for the construction of facilities in the field of: education, sport, health, social welfare, culture, water, transport, energy and municipal infrastructure, facilities for government agencies, facilities for the defence of the country, and housing for the socially deprived (social housing), land for exploitation of mineral resources...The Government may determine the public interest for expropriation to ensure environmental protection, protection from natural disasters, displacement of settlements or parts of settlements...’. It should be mentioned that the definition of expropriation has changed since the socialist era regarding the definition of land-use ‘in the public interest’ in relation to State / public ownership.
- 4) ***Phronesis*** – ‘practical wisdom’ is a term that dates from Aristotle and means having an intimate familiarity of what would work in particular settings and circumstances (Flyvbjerg, 2013). Within this research, the term *phronesis* is employed in two ways. Firstly, it is attached to the adopted methodology in this research where the phronetic researcher uses his / her intimate familiarity with the local context as a basis for examining the potential articulation of the social phenomenon in question within that context (Chapter 4). The empirical example of the phronetic approach to planning research is elaborated in Flyvbjerg’s research on the Aalborg project in Denmark (Flyvbjerg, 1999). Secondly, the term *phronesis* is related to as ‘practical wisdom’ that planning practitioners use in order to recognize the variety of interests at the early stage of the planning process within the specific local context where they daily operate. Hence, the ‘practical wisdom’, or, *phronesis* that planners possess allows them to determine the best course of action and therefore balance the variety of interests in the decision-making arena (Flyvbjerg et al., 2012).



## **Chapter 2 ‘The public interest’ and planning concepts**

### **2.1 Introduction**

This research uses the concept of ‘the public interest’ as the basis for examining Serbian planning practice. Hence, the literature review will seek to determine what is already known, the key concepts and theoretical debates, pertaining to the concept of ‘the public interest’ in relation to planning. After presenting the treatment of the concept of ‘the public interest’ in the available literature, this chapter will examine the possible articulation of the concept through the lens of a rational approach to planning theory, followed by the communicative approach and its critiques. Finally, it will provide a brief overview of the existing problem-driven approaches to planning research, which have been the most influential in relation to the proposed study. The next chapter will go on to explain some of the main characteristics of Serbian planning practice and identify those domains where ‘the public interest’ is potentially articulated.

By considering the nature of the concept of ‘the public interest’ in relation to planning theory, it is hoped that the literature review will provide a solid base for understanding and later re-examining socialist planning practice in Serbia, in relation to a rational scientific approach to planning. It will also be shown how theoretical debates on the communicative approach to planning could form a valuable base for examining the contemporary Serbian planning practice characterized by democracy and more communicative processes. The insight into similar research here could provide an insight into some of the most influential methodological approaches that could potentially help identify the changing role of ‘the public interest’ in Serbian urban planning, as will later be discussed in chapter 4.

### **2.2 Social sustainability and ‘the public interest’**

The researcher’s ‘pursuit’ of the concept of ‘the public interest’ started its trajectory through an interest in the social aspect of sustainability and urban planning. Sustainability has been regarded as one of the central concepts in planning since the 1990s, with social sustainability being one of its key dimensions (Littig & Grießler, 2005). Social sustainability has become an inseparable part of various political agendas within the last decade, where, according to leading economics experts, ‘what we value in living, reaches beyond its material side’ (Stiglitz et al., 2008:41). Despite the widespread interest in the possibilities of identifying, rationalizing, and operationalizing the concept of social sustainability, it seems that the term ‘social sustainability’ is often

used intuitively and imprecisely. Breheny (1996:10), for example, has remarked that the political urgency of the debate around social sustainability is a result of politicians racing ahead of academics, ‘pressing for specific policies before the research community is able to say with any confidence which policies will have what effect’ (Breheny, 2003:10).

There is an effort to engage with the idea of social sustainability internationally, and it is often characterized by ‘breaking down’ the concept of social sustainability into smaller scale concepts that are recognizable within the local context. When looking at the variety of concepts ‘under the umbrella’ of the social sustainability, we find a number of approaches and overlapping dimensions. Smaller scale concepts include access to public services and jobs (Stren & Polese, 2000; Sachs, 1999; Bramley et al, 2006), public participation (Littig & Grießler, 2005; Colantonio & Dixon, 2009), social equity (Bramley et al., 2006; Dempsey et al., 2010), social capital and social networks (Putnam, 1993) and many more.

Although the concept of social sustainability has recently gained much more attention in terms of its theoretical understanding, its role in international policy engagement, as well as its practical application within the planning realm (Bramley et al., 2006; Colantonio & Dixon, 2009; Dempsey et al., 2010), an initial content analysis of Serbian planning legislation suggested that there was a lack of possibility for the operationalization of the concept itself. Instead, Serbian policies have recognized the importance of concepts such as mutual benefit, common interest, public good and public interest, within both the political and planning agendas, since the era of socialism. Terms such as social sustainability, social cohesion, social inclusion and social capital usually feature in the political agenda influenced by the EU accession process. The Serbian planning legislation has not fully engaged with these concepts, however, a notable exception being the recognition of the importance of ‘social cohesion’ in the Spatial Plan of the Republic of Serbia (2009). An analysis of Serbian planning legislation reveals that ‘social sustainability’ is still not fully recognized within the local context, although some of its domains are traditionally engaged with through the concept of ‘the public interest’.

### **2.3 The nature of ‘the public interest’ concept**

It is interesting to note that ‘the public interest’ concept is older than the concept of social sustainability. According to Bozeman (2007:1), the concept itself dates from Aristotle, who recognized that the good constitution should be respectful towards ‘the public interest’ as an interest shared by the members of community. Similarly, St. Thomas Aquinas considered ‘the public interest’ ‘a worthy goal of the government’ (in Bozeman, 2007:1).

Most of the authors that have engaged with ‘the public interest’ concept argue that, besides its long-lasting tradition and importance within the public policymaking, planning, and other spheres of public legislation, the concept itself is often characterized by obscurity, debates and lack of empirical evidence (Bozeman, 2007; Klosterman, 1980; Petovar & Vujošević, 2008). Bozeman (2007:99) argues that it may seem surprising that a concept ‘as ill-defined as the public interest, a concept that rarely yields instrumental measures, indices, or precise analytical tools’, still survives, not only in the context of political and theoretical debates, but within the practical realm too.

Despite the obscurity often attached to the concept of ‘the public interest’, a number of authors have engaged internationally in attempts to define the concept (Cassinelli, 1958; Held, 1970; Bozeman, 2007), as well as its relation to urban planning (Hoch 1994; Alexander, 2002; Campbell & Marshall, 2002). Most of the debates on the nature of ‘the public interest’ relate to differences between the collective / common-value approach on the one hand – according to which ‘the public interest’ is that which is shared by members of the community – and the pluralist approach, on the other hand – according to which ‘the public interest’ is seen as a sum of individual interests (Klosterman, 1980; Alexander, 2000, 2002; Campbell & Marshall, 2002).

Held (1970) recognizes the differences between these approaches in the theory of preponderance, the theory of shared and common interests, and unitary theory respectively. The theory of preponderance treats ‘the public interest’ as a descriptive and aggregative concept that can be explained as a sum of individual interests, ‘the public interest’ being understood as the ‘most useful’ interest and is usually reached through the majority in decision-making, competition between interest groups, analytical calculation of preference as in cost-benefit analysis, and more. The theory of

shared / common interests takes 'the public interest' to refer to those interests that are common to all members of the community. Finally, unitary theories understand 'the public interest' as a particular set of coordinated values, where other individual interests different to 'the public interest' are treated as illegitimate, for example traditional Marxists claiming that the interests of working class represent 'the public interest', whereas those of other classes do not.

It could be argued that the theory of shared interest and the unitary theory take a similar stance, according to which 'the public interest' is a common interest, rather than the sum of individual interests. However, each holds a different view on the implementation of the common 'public interest', a difference that might be understood in line with a means-ends distinction. While the theory of shared interest takes that consensus is reached through a deliberative, bottom-up approach, for the unitary theory, what is 'in the public interest' is usually imposed top-down. However, the assumption that the members of community would be able to agree on and implement their common interest is rejected as utopian (Healey, 1997). Hence, the common 'public interest' is usually considered to be defined and implemented top-down, based on the unitary approach (Klosterman, 1980; Alexander, 2000).

Cassinelli (1958) argues that the term 'public interest' is ambiguous and has a double meaning. While certain decisions and outcomes can be described as 'in the public interest', the concept can also be applied to a set of interests possessed by the public. For Cassinelli, then, 'the public interest' is both input and outcome of the decision-making process. In addition, 'the public interest' represents a benchmark against which we consider public policies, and 'the ultimate ethical goal of political relationships' (Cassinelli 1958:48). Bozeman (2007:86), on the other hand, advocates for a unitary and common interest approach, according to which a theory of 'the public interest' is concerned with 'means of conceptualizing, explaining, and, sometimes, prescribing collective good', while the concept itself refers to 'those outcomes best serving the long-run survival and well-being of a social collective construed as a 'public'' (Bozeman, 2007:99). This definition of 'the public interest' is often attached to the socialist / communist societal order, where the notion of 'the public interest' was equated with the action of the State (Petovar, 2003).

Contrary to the unitary and common interest approach to defining ‘the public interest’, utilitarian theorists believe that ‘the public interest’ is reached as a sum of individual interests. Campbell & Marshall (2002:178), for example, note that it should be the State’s role ‘to facilitate citizens in their individual pursuit of the good, whilst ensuring that the principles of justice are upheld’. Hence, one of the most common approaches to ‘the public interest’ concept is based on the welfare economic perspective where ‘the public interest’ is equalized to the provision of public goods in an economic sense. As Kaul (1999) explains, public goods need to meet two criteria: firstly, they must possess a ‘strong quality of publicness, that is, they are marked as non-rivalry in consumption and non-excludability’; and secondly, they must be available to all population groups and generations (Kaul et al., 1999:2). According to Sager (2005), however, new public management and critical pragmatism ‘diminish’ the traditional notion of ‘the public interest’ as public goods. There, ‘the public interest’ is perceived as the sum of individual economic interests. As Fainstein (1999) explains, equating ‘the public interest’ with the individual economic interest is usually attached to the traditionally market-economy societies, where decision-making processes are for decades influenced by the promotion of individual values and capitalist individualism.

Within the local context of planning in Serbia, the common-value, unitary approach to defining and implementing ‘the public interest’ is used to describe the rational planning practice of the socialist era. In this period, the State alone could serve as the protagonist of an action ‘in the public interest’ (Petovar & Vujošević, 2008; Lazarević-Bajec, 2011), while only objects owned by the State could have the status of a public good, and as such were protected (Tsenkova, 2006:30). Hence, what is ‘in the public interest’ was presumably implemented top-down, rationalized and legitimized through a scientific, technical approach to planning and without the legal obligation for public participation until the 1960s. According to Petovar (2003), this approach greatly ‘crippled’ the notion of ‘the public interest’, which was equated with State intervention, its political establishment and ownership of land, public goods as well as most other economic activities.

As Tsenkova and Nedović-Budić (2006) explain, post-socialist countries witnessed a three-dimensional transition process – the transitions to democracy, markets and decentralized governance. The processes of democratization, globalization and marketization led to a need for acknowledging and balancing new interests of new

actors in the decision-making arena. Accordingly, current planning practice in Serbia is often considered to be procedurally ‘more collaborative’ than that of the socialist era, due to the legally obligatory public participation within formal planning practice (Lazarević-Bajec, 2011). Compared to the early socialist era, when public participation was not an obligatory part of the planning process, it seems that considering the procedural ‘public interest’ through the pluralist approach is more of a possibility in contemporary planning practice.

The following question arises: if this is the case, how has the approach to defining and implementing ‘the public interest’ changed in relation to the new societal order and in line with the new requirements of democracy, market and decentralization? In order to better understand the changes in the treatment of ‘the public interest’ in the socialist and post-socialist contexts in Serbia, the following section will aim to provide an overview of the possible relations between the concept itself and normative planning theory. It will cover rational and communicative planning theory in order to provide a base for understanding the socialist and contemporary planning in Serbia in relation to ‘the public interest’.

## **2.4 Planning, rationality and interests**

The previous section considered the changing notion of ‘the public interest’ in relation to unitary and utilitarian theory, as well as the shared / common value and pluralist approaches. While the unitary theory is often related to the definition of ‘the public interest’ in the common-value approach, the utilitarian theory is more concerned with the possibility of addressing the pluralism of interests. It might therefore be assumed that the shared / common value unitary approach could be related to the rational planning theory, while the pluralist utilitarian approach requires communicative / collaborative decision-making arena to address a variety of interests. In order to provide the groundwork for a possible re-evaluation of these assumptions in relation to Serbian planning practice, this section will aim to provide a basis for understanding the possibilities to define and implement what is ‘the public interest’ within both rational and communicative approach to planning.

### **2.4.1 *The rational approach***

As Alexander (2000:242) states, rational planning refers to ‘planning that has and can give reasons justifying a course of action’. Thus rational planning is ‘not good planning because it produces better decisions; it is good planning because it can account for the proposed courses of action’ (Alexander, 2000:242). Rationality itself is associated with observed and agreed facts and statements that direct actions ensuring that the ‘ends’ justify the ‘means’. As Liepman suggests, the rational approach to planning takes ‘the public interest’ as what we would choose if we ‘saw clearly, thought rationally, acted disinterestedly and benevolently’ (Liepman, 1956:40).

According to Weber (1922, in Alexander, 2002:243), there are two types of rationality that are associated with the planning action and decision-making processes – instrumental and substantive. They differ in their conception of the relation between means and ends. Instrumental rationality is seen as part of practical rationality, where the desired ends are predetermined and means are calculated towards achieving the desired outcome (Petovar & Vujošević, 2008). Substantive rationality, on the other hand, is more concerned with the procedural aspect of the decision-making process, where the main question is, ‘how are we going to get there?’ (Flyvbjerg, 2004). As Weber (1992:12) puts it, ‘while instrumental rationality is limited to means, taking ends as given, substantive rationality includes the actor’s own rationally pursued and calculated ends’ (Weber, 1922:12 in Alexander, 2002).

Planning practice based on the rational approach is perceived as a system in which players can assume the desirable course of future development and rationally determine the best way to perceive and realise different interests, using the suggestions of experts to help resolve problems. As Faludi (1973) notes, if both ends and means can be subjected to rational consideration, then the ends can provide justification for the means. In other words, the rational approach implies that the policy would be justified only if there was good reason for its implementation. From this perspective, both means and ends ought to be rationalized in terms of, for example, enhancing positive social change within the domains of social justice (Rawls, 1971 in Klosterman, 1978:43).

This rational, scientific, and technical approach is characterized by a focus on pre-set goals, and as such is often related to socialist planning practice (Lazarević-Bajec, 2011).

It can be argued that the rational planning during socialism enhanced the common-value approach to defining, and unitary theory to implementing 'the public interest'. There, 'the public interest' is prescribed top-down and observed as a desired outcome, or, a 'collective moral imperative that transcends particular or private interest' (Alexander, 2002:230). Hence, based on unitary, common-value approach and rational planning theory, the desired ends 'in the public interest' should provide justification for adopted means / procedures (Long, 1959; Faludi, 1973; Klosterman, 1978).

The most serious criticism of the rational approach is that it ignores the problems within the area of public policy and perceives the planning process only as mechanically arranged and rationally planned phases of the development (Alexander, 2000). In this case, there is a danger that the 'the public interest' serves only as a legitimizing notion for justifying the planning action. The legitimizing role of 'the public interest' will be considered in detail below, what is important to note at this stage is that the interests of 'powerful' decision-makers who define policies and shape the process in order not to disturb the desired outcomes - need not necessarily be opposed to the interest of general public (Vujošević & Petovar, 2008).

Lazarević-Bajec (2011:85) states that the rational model present in Serbia during the socialist period continues in practice today. She also notes that the model that operates in Serbia is not rational 'in the true sense of its meaning'. Here, rationality does not only refer to the State's right to control development:

'in its basic form, the rational model is associated with the conviction that spatial development can be controlled by introducing scientific techniques and adequate technologies and it comprises the centralized process of top-down decision making, without the participation of the public.'

(Lazarević-Bajec, 2011:86).

In other words, the rational model that operated / operates in Serbia is also characterized by the technocratic planning practice of planning practitioners, who focus on ends rather than means, neglecting 'what is actually done' in favour of 'what should be done' (Flyvbjerg, 1998). As Klosterman puts it,

'early planners assumed that their views corresponded to an enlightened public interest, and saw their attempts to help define public policy objectives as merely



the application of their professional judgement to narrow technical issues within their unique competence with issues of land-use and related public facilities.'

(Klosterman, 1978:38)

Hence, it could be argued that technocratic planners regard technical norms and standards as sufficient instruments to protect 'the public interest' in plans, given that they are mainly educated in the field of engineering and not used to providing economic or social assessments for plans. The justification of their actions is provided by 'the public interest' criterion as an 'ultimate goal' of planning practice.

This can be specifically related to Serbian planning practice, given the socialist governments' aim of breaking from the Soviet socialist model and its promotion of Marxist values based on the equal distribution of resources and economic equity, as well as satisfying the need of the growing community in Belgrade after WWII. Hence, as Petovar (2003) explains, each and every action of the State was deemed to be in 'the public interest', regardless if it really was in the interest of the public.

#### **2.4.2 *The communicative turn***

The communicative / collaborative approach emerged as a critique of the rational model. Or, according to Fainstein (1999), Habermas created a theory of communicative action in order to oppose Marxist bureaucracy. The critical school led by Habermas considers knowledge to be a social construct, rather than an action directed towards observed and agreed facts and desired outcomes (Alexander, 2000:245). There was a shift from rationality and its focus on the actors themselves to the interaction and quality of communication between the participants. This shift affected various fields, including that of planning. In relation to the possibilities to define and implement 'the public interest', the communicative approach opens up the possibility of perceiving and enhancing understanding of the variety of interests within the planning process, and therefore holds a valuable place within this discussion.

Allmendinger and Tewdwr-Jones (2002:25) argue that the introduction of deliberative concepts into planning theory marks an attempt to overcome some of the limitations of the classic rational model of decision making. Collaboration in planning is based on the assumption that social groups and individuals are able to learn from each other and that this knowledge affects behaviour in decision making (Innes, 2004).

Healey (1997:235) defines communicative / collaborative planning as a 'forum for exploring the communicative dimensions of collective debating and deciding on matters of collective concern'. According to Healey (1997), the basic assumptions of communicative / collaborative planning are: an acceptance of other forms of knowledge, interests, forms, requirements, methods of argumentation, and types of experiences; the sense that they are 'legitimate' because they are socially pre-conditioned and constructed; the belief that argumentation is always directed towards the other / public; that consensus should be at the core of planning communication and interaction; and a new role of planner-mediator.

The importance of the communicative approach to planning is also recognized in relation to the possibilities to define and implement 'the public interest'. As Campbell and Marshall (2002:174) state, the communicative approach to defining 'the public interest' means that communicative rationality enhances 'procedural norms and rules by which the public interest can somehow be discovered discursively through participatory practice'.

What should be noted is that Healey (1997:235) uses terms such as 'aggregate interests', 'shared interests' or 'matters of common concern' rather than 'the public interest' in her consideration of the legitimacy and acceptance of socially pre-conditioned forms of knowledge. As she explained (1997:32), the 'culturally homogeneous community with a common public interest has been replaced in our imaginations by the recognition of a diversity of ways in living everyday life'. It can thus be assumed that Healey takes the initial stand that communities are fragmented. This statement is in line with Fainstein's (1999) remark, according to which traditionally market-economy societies seek a pluralist rather than common-value approach when it comes to defining 'the public interest'. However, Healey does not reject the possibility of reaching a consensus on matters of common concern through collaborative action:

'[Communication shows us that] we are not autonomous subjects competitively pursuing our individual preferences, but that our sense of ourselves and of our interests is constituted through our relations with others, through communicative practices. Our ideas about ourselves, our interests, and our values are socially constructed through our communication with others and the collaborative work this involves. If our consciousness is dialogically constructed, surely we are

deeply skilled in communicative practices for listening, learning, and understanding each other.'

Healey (1997:219)

In relation to the communicative theory and collaborative approach to planning, the 'public interest' can be understood in two ways. It represents the right for everyone to be treated fairly and equally in the decision-making process (Howe, 1992). Moreover, it is assumed that 'the public interest' is achieved through the transparency of process, that is to say, if 'the participatory approach is adopted then the result will be in the public interest whatever the actual outcome is' (Campbell & Marshall, 2002:178). This assumption might be criticized because transparent and participatory planning need not result in *outcomes* that are in 'the public interest' (Fainstein, 1999:253). This is why Fainstein (1999) argues that planning theory should observe process and outcomes together, and not as separate spheres. Moreover, they should be considered as inseparable parts of the context in which they are articulated. Or, as Foucault (1971) states, there is no discourse without context.

The most significant criticism of the collaborative approach is that not everyone possesses the means of communicating, explaining or achieving their interests, especially less educated or deprived groups (Flyvbjerg & Richardson, 2002). In line with Fainstein's (1999:253) argument, a 'just city incorporates just outcomes, not simply open processes'. Hence, it can be concluded that although the communicative approach allows for the consideration of a variety of interests as suggested by utilitarian theory, collaboration itself does not guarantee that 'the public interest' will be achieved in either planning processes or outcomes. Or, as Campbell and Marshall (2000) acknowledge, the idea of 'the public interest', even from the perspective of the collaborative approach, is 'frequently used as a device to cast an aura of legitimacy over the final resolution of policy questions where there are still significant areas of disagreement' (Campbell & Marshall, 2000:308).

From the brief discussion above, it is evident that 'the public interest' can be approached differently in relation to rational and communicative theory. Pertaining to both approaches is the possibility that powerful decision-makers determine what counts as knowledge, or, in line with this research, what counts as 'the public interest' – regardless of the possible existence of a fair and open decision-making arena (Lukes,

1974; Flyvbjerg, 1998:226). Flyvbjerg raises precisely this concern in his research on the Aalborg project (publication 'Rationality and Power') while investigating the course and nature of the planning process. The findings of his research indicate the way different individual interests shape the project, and city, by operating under the veil of 'the public interest'. There, according to Flyvbjerg, 'power' dominates 'rationality', even though the process of plan adoption was conducted in a collaborative manner. Hence, Flyvbjerg criticises Habermas' theory of communicative action with regards to 'the ideal speech situation' which, according to Flyvbjerg, disregards the fact that powerful actors in the process tend to dominate the 'rationality'.

Healey (2003:133), however, responds to this criticism by saying that 'concern with power relations is a pervasive influence' in the collaborative approach to planning. For Healey, Habermas' ideal speech situation is only regarded as a form of idealism that could potentially become a dominant form of governance in democratic societies, which, she acknowledges, is highly unlikely (2003:133). She then emphasizes that the view of power as an opposing stand to rationality is simplistic:

'I find simple dualistic oppositions of 'Rationality' (technical, expert, scientific, power-neutral) versus 'Power' (strategic action by knowledgeable, self-centred, goal-seeking, power-accumulating actors) (see Flyvbjerg, 1998a, 1998b) unhelpful in exploring these relations. In my understanding, power is a relation not a 'thing'.'

Healey (2003:133)

For Healey, all social relations have one or more power dimensions. This notion is in line with Lukes' (1974) work, which uses a three-dimensional approach to consider the nature of power among participants in the planning process. The forms of power here differ depending on the eloquence, level of education and practical knowledge of the participants. Neither side is powerless, but the 'victory' depends on the way power is executed. Lukes (1974) explains how one's arguments can be out-powered by more powerful opponents' persuasion. For example, certain actors within the planning process can be persuaded that the knowledge they possess is not legitimate or objective enough and therefore are not entitled to deal with technical / environmental / planning decisions that other, more powerful actors account for.

However, Healey's (2003:133) stand can be criticized, too, and in relation to her view of rational planning as power-neutral. As Klosterman (1985) states, there is no power-

neutral or value-neutral planning, because all planning is essentially political. Hence, both rational and collaborative planning are inevitably influenced or even shaped by 'power'. At the same time, there is a significant disparity between the rational and collaborative approaches to planning in relation to 'the public interest'. For the rational approach, what is 'in the public interest' is already a predetermined goal, while its implementation relies in the hands of planners as technocrats who 'know best' how to reach the desired ends based on their 'practical wisdom'. On the other hand, from a collaborative perspective, 'the public interest' appears more 'approachable' and transparent, with planners adopting the role of mediators, as opposed to technocrats (Healey, 1997).

## **2.5 Planning and interests**

The previous section examined the possible relationship between the unitary theory and common-value approach to defining 'the public interest', and rational planning theory. On the other hand, the utilitarian theory relates to the possibility of addressing the pluralism of interests, and as such requires the communicative / collaborative decision-making arena to address the variety of interests. In relation to Serbian planning practice, the unitary / common-value rational approach is often associated with the early socialist era, while the utilitarian / pluralist / communicative approach fits better with contemporary practice characterized by democracy, market-economy and legally obligatory participatory processes.

While it is assumed that the rational approach considers 'the public interest' a desired outcome and arranges the process so as not to disturb this outcome, communicative planning implies that 'the public interest' will be achieved if the process is open and deliberative – regardless of what actual outcomes are. Therefore, in order to provide a basis for the re-evaluation of these theoretical stands, this research will look at both process and outcomes of socialist and contemporary planning practice in relation to the treatment of 'the public interest'. Considering the process as well as outcomes of planning practice might provide an understanding of whether and how the existence, or lack thereof, of 'the public interest' in process necessarily implies a corresponding existence, or lack thereof, of 'the public interest' in the outcomes of socialist and contemporary planning practices.

In this light, the following section will aim to provide a brief overview of the possibilities of conducting an in-depth problem-driven research into the planning practice that would enable the researcher to get an insight into both process and outcomes of planning. It will consider some of the most influential approaches that later directed the methodological framework for this research.

## **2.6 An overview of the methodological approaches to planning research**

This section will present an overview of some of the existing research that has influenced the methodological stance of the researcher in conducting this in-depth qualitative study on the changing role of ‘the public interest’ in planning. The choice of papers was determined by the similarity of the investigated issues to the ones proposed in this research.

### ***2.6.1 Problem-driven in-depth case study research of planning practice***

This research is based on the notion that ‘the public interest’ can be a valid criterion for an empirical research if placed within the local context of Serbian planning practice. This stand is based on the evidence of where the concept itself is used within various policy documents since the era of socialism (Chapter 3, section 3.5). Therefore, this section will look at the problem-driven in-depth case studies of planning practice in action. It will also consider the importance of the path-dependency approach as a methodological basis for the research on post-socialist societies. Finally, this section will aim to propose the possible open field where this research would contribute the existing knowledge of planning practice.

One of the initial readings that guided this research was Bent Flyvbjerg’s ‘Rationality and Power’ (1998), where the author undertakes an in-depth case study research design using the phronetic approach to investigate the role of ‘rationality’ and ‘power’ in shaping the city of Aalborg. According to Flyvbjerg (2004), the main aim of the phronetic approach in his research is to

‘...provide concrete examples of and detailed narratives of the ways in which power and values work in planning and with what consequences to whom, and to suggest how relations of power and values can be changed to work with other consequences.’

(Flyvbjerg, 2004:283).

Flyvbjerg employs a problem-driven research design, where the research is not guided by the choice of research methods, but where the methods follow the requirements of the research problem recognized according to the specific case study. The methodological framework for this type of research aims to:

- 1) Actively identify practices of interest within policy and social action,
- 2) Explain these practices through problematization, and,
- 3) Constructively help to develop better practices.

Phronesis or the phronetic approach dates from Aristotle, but was also recognized in the 1970s by planning researchers who wanted to go beyond positivism and employ value-rational thinking and ‘situational ethics’ which depend on a specific context of each study. An empirical example of the phronetic approach is elaborated in Flyvbjerg’s research on the Aalborg project in Denmark. The researcher used a ‘dense data case study’ design (Flyvbjerg, 2002) which he applied within the planning office that was engaged with the new sustainability project for the city of Aalborg. The researcher was present during the decision-making process and had access to planning documents.

The main sources for answering the research questions were detailed content analysis of archival data, interviews, and participant observation (Flyvbjerg, 2002). The researcher deliberately exposed himself to ‘positive and negative reactions from their surroundings’ and became ‘a part of the phenomenon studied’ but retained the freedom to problematize and criticize what he saw (Flyvbjerg, 2004). The results of the research showed that ‘power’ and ‘rationality’ have an asymmetrical relationship, and that ‘power has a clear tendency to dominate rationality’. In relation to his research, the process for the development of the City of Aalborg was dominated by powerful and political actors, while the process itself was not democratic and transparent. Illegitimate rationalization, rather than rationality, dominated the fate of the Aalborg project (Flyvbjerg, 2004). However, the ‘story’ or narrative derived from this research reveals much more, and provides invaluable insight into the planning, political and public realms in which the Aalborg project took place. It reveals the hidden sources of power and explains how these shape rationality. The transparency of his research and repeated publication of findings during the phases of the research contributed the ‘external scrutiny’, validity and reliability of the research.

The adoption of a phronetic approach in the case of Aalborg project meant that the in-depth case study allowed the researcher to use his practical wisdom and familiarity with

the local planning context in order to reveal ‘the games of power and rationality’ (Flyvbjerg, 1998). On the other hand, Flyvbjerg’s study took almost 15 years, so that the researcher was able to follow and actively engage with the each step of the planning process for the development project for Aalborg. This does not provide a suitable framework for PhD research – both due to the characteristics of an ‘ex-post’ investigation of socialist planning actions, as well as the time limitation. What should also be mentioned is that the phronetic approach does not represent a methodological ‘cook book’. For the proposed research on the changing role of ‘the public interest’ in planning, it provides a theoretical basis to approach planning in a way that allows for the unravelling of issues around potentially dubious practices, actions and outcomes, if the given social, political and planning environment so allows.

Another example of problem-driven case study research is a study by Aitken (2010) that aimed to investigate a planning process for a wind power development in Scotland. One segment of the planning process that particularly interested this author was the way planning authorities organized a public participation event, as well as their influence on the development process and outcomes. As the author puts it, this research

‘...seeks to evaluate to what extent the planning process represents an exercise in participation – entailing empowerment of participants – or rather in social control – through which public participation is managed in order to secure particular outcomes.’

(Aitken, 2010:248)

Hence, it appears that Aitken was looking to reveal ‘the games of power and rationality’, similar to Flyvbjerg.

The main research problem was raised by the fact that the planning application for the wind-farm was accepted and development was approved, although the public voice was strongly against it. This action stimulated the author’s interest in the nature of the collaborative approach, where ‘power’ dominated the course of development. Aitken questioned whether the true purpose of collaborative planning is to legitimize the decisions of the powerful by including the public in the planning process. The research used qualitative research methods to discover the background of actions within the planning process. The main aim was to investigate whether



‘...participants become a ghostly presence within the planning process - visible, heard even, but ultimately only there because their involvement lends credibility and legitimacy to decisions that have already been made.’

(Aitken, 2010:252).

Similar to Flyvbjerg’s study, Aitken’s methodological approach included participant observation at the public inquiry, which was assessed by detailed tracking of conversations of local planning authorities, local community members and representatives of the developers. The author used the three-dimensional view of power (Lukes, 1974) to assess the distribution of power amongst participants. Outcomes of the planning process suggested that citizens’ voices were not heard, regardless how the ‘games of power’ were played. However, the data gathered in the qualitative inquiry provided more profound evidence, implying that both public participants and the representatives of developers exercised various forms of power, depending on their eloquence, level of education, practical knowledge, etc. The qualitative approach to the research thus contributed to existing knowledge on power relations within the public participation process. According to Aitken (2010), it showed that neither side is powerless, but that ‘victory’ depends on the way power is executed, the ‘rules of game’ and weight of resources.

It can be concluded that Aitken’s study aimed at obtaining an in-depth understanding of the power relations between the actors within a certain procedural aspect of planning process – a public hearing. Flyvbjerg’s study, on the other hand, looks at the planning process as a whole, and with the aim of identifying dubious practices and how powerful actors shape planning decisions. While Flyvbjerg (2004) uses a problem-driven approach, which can be also characterized as a mix-method case study research design, Aitken’s (2010) study is based on the principles of interpretivism, where qualitative inquiry represents the primary method of data collection and analysis.

The narratives or ‘stories’ are a core resource for both Flyvbjerg’s and Aitken’s research. These ‘stories’ hold the potential to provide an in-depth understanding on the context where the social phenomenon in question is articulated, as well as the ways this articulation occurs (McLellan et al., 2003:67). Because they demonstrate the possibility of gaining an in-depth understanding of the articulation of the particular social phenomenon within the local context, they provide a methodological inspiration for the

proposed research, which aims to explore the changing role of ‘the public interest’ in Serbian planning practice.

Taken that the ‘stories’ hold potential to reveal the ‘games of power and rationality’ in planning, the proposed research is therefore heavily based on interpretive analysis of planning practitioner’s daily practice. Given that the problem-driven, exploratory research design relies on the *phronesis* of both planning practitioners and the researcher him / herself, this section will briefly address the work of John Forester, as one of the most influential researchers of planning practitioners’ daily practice. Most of his work is related to deliberative planning practice that can ‘shape the public learning as well as public action’ (1999:1). To this end he observes planning professionals as ‘practical ethicists’ (1999:31) and ‘people working with others to attempt to remake their common future’ (1999:ix). In his research, Forester also engages with

‘...inquiring and learning together in the face of difference and conflict, telling compelling stories and arguing together in negotiations, coming to see issues, relationships, and options in new ways, thus arguing and acting together.’

Forester (1999:ix)

The scope of Forester’s research is too voluminous to be discussed within this brief section, but what should be noted is that his research on deliberative planning practice has an exploratory character, similar to that of Flyvbjerg’s or Aitken’s. For Forester, too, the basic source of evidence comes from rich narratives obtained from interviews with planners and analysts, as well as from observation of formal and informal meetings (1999:22).

The depth and richness of narratives would help Forester ‘illuminate both requirements and opportunities for productive, if inevitably political, deliberative practice’ (Forester, 1999:x). Forester remarks that planning practice cannot be observed as value or power-neutral. He criticizes social science for producing knowledge that does not necessarily offer any possibility for planning professionals, as subjects of research, to re-evaluate their judgments or practice in relations to the issues they face. As Forester (1994) explains,

‘If the bad news is that social science provides know-what rather than know-how, the good news is that judgment and practice can be learned and taught,

perhaps ‘coached’, not only via quasi-scientific studies, but through insightful stories, relevant examples, and critically examined experiences.’

Forester (1994:156)

Forester’s work represented an invaluable reader in relation to the proposed research of Serbian planning practice. Therefore, besides providing an understanding on the ways in which individuals observe and experience the articulation of ‘the public interest’ in their daily practice, the social research should seek to provide ‘knowledge that the people being studied can themselves use to address better the problems they are experiencing’ (Schram, 2012:16).

With regards to the proposed research on Serbian planning practice, Flyvbjerg’s, Aitken’s and Forester’s research provide methodological guidance. These authors propose that an in-depth problem-driven research should be based on a profound contextual understanding of the planning practice, reached through a deep, rich, qualitative narrative approach. The idea is that, in becoming a part of the local setting, the researcher can uncover the ways a social phenomenon is framed and articulated.

In relation to the proposed research, it is expected that an in-depth problem-driven design will enable the researcher to uncover the ways ‘public interest’ is articulated within both process and outcomes of socialist and contemporary planning practice. This kind of research is conducted on the premise that discourse and context are inseparable spheres – with context in this case being a post-socialist society in Eastern Europe. With this in mind, the following section will consider the path-dependent approach to the research of post-socialist societies, which implies that the socialist era produced a unique urban model – one that is substantively different to capitalist cities (Szelenyi, 1996).

### ***2.6.2 Path-dependency approach to research on post-socialist societies***

There is a considerable amount of research on post-socialist transition covering the topics of local government, privatization of housing stock, city development and change of urban form (Tosics, 2005; Enyedi, 1998; Hirt, 2013; Tsenkova & Nedović-Budić, 2006; Stanilov, 2007). Most of the research on post-socialist societies proposes that planning, as a future-oriented activity for managing urban development, is ‘inseparable from the societal context and the circumstances under which it is practiced’ (Nedović-

Budić et al., 2011:430). As Huxley & Yiftachel, (2000:339) explain, the relation between planning and state policies is something that defines the specific nature of planning practice. In relation to the planning practice of post-socialist societies, both state policies and societal context can be observed as a changing notion - if taken that these countries that have within last couple of decades experienced both socialist regime and market economy, coupled with all the transitional stages in-between.

As Tsenkova and Nedović-Budić (2006) state, post-socialist countries saw a three-dimensional transition process – the transition to democracy, markets and decentralized governance. The pace of transformation of urban planning practice should be viewed in line with the system's capability to follow up and adapt to each of those transition processes. Some of the authors describe the capability of post-socialist societies as 'path-dependent' – meaning influenced by its particular socialist and post-socialist past. Hence, it can be argued that the pace and character of societal and urban transformations varies between the Western and post-socialist countries (Tosics, 2004; Tsenkova & Nedović-Budić, 2006; Szelenyi, 1996; Enyedi, 1998; Petrović, 2005). In this regard, path-dependency means that 'historical development has been perceived as an ongoing chain of institutional (and discursive) design, while its possibilities and / or options of innovation are limited by the institutional legacies of the past' (Bengtsson 1995; Nielsen et al., 1995 in Petrović, 2005:5).

The path-dependency approach to research on the post-socialist societies emerged in urban sociology, and is theoretically grounded on the 'historical approach'. This historical approach takes into account the local institutional context of the urban and spatial development, where 'societies with different socio-economic order provide qualitatively different urban conditions' (Petrović, 2005:3). This stand is different from the ecological approach, where socio-political organization is regarded as an independent variable that affects the distribution of population in terms of their spatial accumulation around the capital, as in Western societies (Szelenyi, 1996). For example, both socialist and capitalist societies experienced migration of population towards the cities that flourished due to the industrialization.

However, some scholars take a neo-Weberian stance in this debate by acknowledging the limitations and particularities of the path-dependant nature of post-socialist societies, while also stating that certain actions within the socio-economic system have

the ability to influence changes in the process of urban development (Tosics, 1997; Szelenyi, 1996; Petrović, 2005). Thus, as Tosics (2005) states,

‘the socialist city-development model, was common, but the end point is as yet uncertain and will most probably be different in large cities in the different sub-regions of Central and Eastern Europe.’

Tosics (2005:45)

This notion can be regarded in line with the three-dimensional transition process of marketization, democratization and decentralization (Tsenkova & Nedović-Budić, 2006). There, as Tosics proposes, the outcomes of such a ‘race’ between societies and / or cities are characterized by uncertainty due to the path-dependent nature of post-socialist societies, while their ultimate goal remains the same as in traditionally market-economy cities.

The value of the path-dependency approach is recognized in relation to the proposed study, where observing the articulation of ‘the public interest’ in both early socialist and contemporary planning provides the possibility to examine if and how the contemporary practice is influenced by its path-dependent nature. Moreover, in relation to Forester’s and Flyvbjerg’s approach to study of planning practice, path-dependency provides the possibility to examine if and how are contemporary Serbian planners influenced by the history and previous experience. Additionally, it provides a basis for examining whether and how does their (planners’) potential path-dependency influence ways of experiencing and challenging contemporary power.

## **2.7 Concluding remarks**

The concepts of ‘good planning’ and ‘the good city’ are central to the long-lasting debate in planning theory. Authors are concerned with the decision-making process and institutional changes, values that should direct the development of the city, possible effects of urbanization on social change, as well as the role of planning professionals, and the importance of engaging with the particularities of the local planning context in order to reveal who shapes the city, amongst other things.

However, as both Forester (1999) and Fainstein (1999, 2005) argue, much planning theory discusses the issues related to the planning process separately from context or the object of planning (Fainstein, 2005:121). Hence, one of the main premises of this research is that there is no discourse without context (Foucault, 1971). It was important

to recognise the changing nature of the local context where ‘the public interest’ is articulated, in order to understand the changing role of the concept itself. Here, it is assumed that planning professionals are the ones who possess the local knowledge and practical wisdom – *phronesis*. Their stories, or, narratives, hold potential to provide an in-depth understanding on the articulation of ‘the public interest’ in Serbian planning practice.

Fainstein refers to Flyvbjerg’s research as the ‘rare example’ of an in-depth, problem-driven, contextual investigation of planning practice. Forester raised a similar remark when he argued that

‘planning literature that remains intellectually inarticulate about questions of value, questions of better and worse processes and outcomes can hardly be worth much’

(Forester, 1999:177)

The notion that planning research should not be considered separate from the local context can be seen in the fact that the ‘the public interest’ is often rejected as an invalid criterion for an empirical investigation, presumably due to the difficulty of identifying its potential articulation within the chosen context.

The planning theory debate is relevant for our attempts to determine the basis for a *modus operandi* within current political, economic and social circumstances in Serbia, where the term ‘in the public interest’ has been employed since socialism. As a post-socialist country, Serbia underwent various changes that affected the planning system too. As Tosics (2004) states, ‘no general, linear model of city development exists’, but post-socialist states had a slightly different pace of urbanization compared to Western societies, and this pace was grounded on a different socio-economic order in the past (Tosics, 2004:2). It can therefore be argued that what constitutes a desirable model of ‘acting in the public interest’ also depends on the specific socio-historical and political context. Or, as Bozeman (2007:13) explains, ‘what is in the public interest’ has a dynamic character, and varies not only throughout different cases or contexts, but is also dependent on the specific era, where different times bring different conditions.

The importance of the path-dependency approach in relation to the proposed research is reflected in the particular possibility to identify and operationalize the concept of ‘the public interest’ in relation to the contemporary planning practice in Serbia. It is assumed

that the existence of the legal term ‘in the public interest’ here is dependent on the socialist legacy of Serbian planning, where the actions of State were equated to action ‘in the public interest’. With this in mind, the following chapter will offer a brief overview of the socialist and post-socialist eras in Serbian planning.

## **Chapter 3 ‘The public interest’ in Serbian planning practice**

### **3.1 Introduction**

The previous chapter argued that in-depth problem-driven exploratory research requires an intimate familiarity with the local context. This notion is rooted within both the phronetic and path-dependency approaches to planning research. This chapter will now turn to some of the particularities of Serbian socialist and post-socialist planning practice, so as to better understand the local context in which ‘the public interest’ is framed and articulated. It will go on to explain the current planning system in Serbia by considering the institutional and legal framework, as well as the hierarchy of planning documents that direct the city development. Finally, it will propose the dimensions of planning practice where ‘the public interest’ is potentially articulated, as a base for further empirical research.

### **3.2 Overview of different planning eras**

This section will aim to briefly present Serbia’s ‘development path’ in relation to some of the socio-economic factors that directed its transition from a socialist to a market-economy. It will start by considering the period of socialism. It will go on to provide some basic understandings of the post-socialist transition in the 1990s and a period after 2000, which is when the first democratic elections were held. The purpose of this chapter is to provide some basic understandings of Serbian planning in order to present a framework for the articulation of ‘the public interest’ in planning, from socialism until today.

#### **3.2.1 *Socialist era – an overview***

Yugoslav communism, later ‘self-management socialism’, was indigenous and different from other socialist countries of the Eastern Bloc, because ‘the country refused to become just one of the links in the Eastern Bloc, hence the conflict with Stalin and the Cominform resolution in 1948’ (Simić, 2008:28). In the early 1950s, Yugoslavia began military and economic cooperation with Western countries, primarily the United States. Essentially, the country benefited from its position on the edge of the Iron Curtain. It was considered as the ‘soft belly’ of the Eastern Bloc, and due to its cooperation with the West and a semi-liberal economy it was given the opportunity to be much more independent than other communist countries (Simić, 2008).



The socialism that operated in the former Yugoslavia was characterised as ‘market-socialism’ or ‘self-societal management’, based on the Marxist ideology of economic equity. With regards to economic development, Organizations of Associated Labour (OURs) represented local enterprise authorities and were empowered to define a business policy, plans and prices (Vujošević, 2003). The decentralized character of this form of socialist planning meant that the municipality was the ‘the basic and the most important local government unit, with considerable executive power’ (Nedović-Budić et al., 2011:440).

In relation to planning, the former Yugoslavia abandoned the Soviet centralized planning model soon after WWII, and developed ‘a participatory system of integral (i.e. comprehensive or integrated) planning’ (Nedović-Budić et al., 2011:430). Most scholars describe Yugoslav planning as rational and scientific. Allegedly, its main purpose was ‘the protection of public interest’, while it was ‘carefree’ of private and other interests (Lazarević-Bajec, 2011). Socialist planning professionals were often described as technocrats, educated mainly in the field of engineering, and they were deliberately spared from providing any economic justification for planning proposals. It should be noted that, although the rational, technocratic role of planner is usually equated with a ‘value-free’ planning practice, this view of value-free planning is arguably incorrect, because planning is always essentially political (Klosterman, 1978:37).

As in other socialist countries, in the Socialist Federative Republic of Yugoslavia the State was the main pillar of the urbanization process, while the political elites made decisions on investments and development projects. The role of the State in socialist planning practice can be identified with the role of ‘central investor’ and initiator of urban development (Čaldarević, 2012; Petovar, 2012). Some of the substantive characteristics of socialist planning in Serbia can be recognized in its lack of flexibility, deterministic orientation, long-term and demanding procedures, control of the use over the construction land, research-based land-use planning, centralized but interdisciplinary decision-making, and more. Some of the main issues of socialist planning practice were seen as bureaucracy, political dependency of planning organizations, technocracy of their employees and the lack of wide and transparent public participation until late 1960s (Čaldarević, 2012).

Internally, the main driver of socialist development was described as the ‘renewal strategy’, with the mission to restore the function of the urban tissue destroyed in WWII as well as to provide housing for new workers and their households who migrated from rural to urban areas following industrial development. As Ferenčak (2015:5) explains, the coincidence of the socialist revolution in Yugoslavia in 1945 with the earlier success of European modern architecture and urbanism (CIAM - Congrès International d'Architecture Moderne and Athens charter), the strong bond between young left-oriented architects with the principles of modernism and functionalism, and the wish to distance themselves from the Soviet model – all influenced the specific planning model in Yugoslavia, and Serbia specifically.

The Athens Charter (Le Corbusier, 1933) was a document derived from the Congrès International d'Architecture Moderne and contained regulations for the development of a functionalist ‘utopian’ city. The principles of the Athens Charter were followed by numerous urban practices of that era – in Glasgow, Brasilia, Tokyo, Torino, Tel Aviv, and elsewhere (Perović, 2008), and amongst them was New Belgrade. Most of the socialist developments were derived as completely new parts of the cities which contained public housing, schools, kindergartens, health services, playgrounds and green areas (GUP, 1950). These new development projects required logistics that did not exist before 1948 (Ferenčak, 2015). Hence, the larger cities obtained Urban Development Institutes and Development Directorates (section 3.4.1). According to Perović (2008) and Ferenčak (2015), citizens were keen to participate in the development, too (Figure 3.1).



Figure 3.1: Youth Work Brigade in New Belgrade in 1948, source: GUP (1950)

Although socialist developments were based on extensive studies, analysis and theoretical assumptions in order to satisfy the housing needs of their inhabitants, they were predominantly directed towards the requirements of the socialist political centre of the Federative Republic of Yugoslavia (Perović, 2008:165). Hence, although the development in general was characterized as ‘in the public interest’, the principles of decision-making were often criticized for their bureaucracy and predominantly top-down approach to planning.

The later era of the 1970s and 1980s was coloured by somewhat different practices, which included extensive public participation that became a legally binding obligation of planning professionals (Law on Planning and Construction, 1961; 1974). In this period, according to Nedović-Budić et al, ‘preparation, discussion and implementation of planning decisions was over-loaded with various types of individual, group and general public participation processes’ (2011:442). According to the authors, the decentralized system that promoted ‘cross acceptance’ in the decision-making process was practiced in Yugoslavia for more than a decade before it became part of the practice of some of the traditional market-economy societies (Cullingworth, 1997 in Nedović-Budić et al., 2011:442). Most Serbian scholars consider this era of planning and development to be a ‘golden age’, while the practice that followed in the 1990s was often described as a battle for capital, where planning ‘lost the ground beneath its feet’ (Vujošević & Petovar, 2006).

### **3.2.2 1990s**

The period between the year 1990 and 2000 was one of political and economic transition, involving the disintegration of Yugoslavia, civil wars and international military intervention. After the disintegration of the country, Serbia went through a post-socialist transformation, and entered so-called political capitalism (Pušić, 2012:84). The 1990s saw changes where the existing form of socialism was replaced by political pluralization and other socio-economic reforms. These changes were reflected in the re-centralization of political power, State monopoly over the economy, the emergence of an undemocratic political system, the weakening of local institutions and replacement of ‘public’ by ‘State’ ownership (Nedović-Budić et al., 2011:440). At the same time, ongoing civil wars in Croatia, Bosnia and Hercegovina and the province of Kosovo, as well as the bombing of Serbia by NATO forces from March to June 1999 caused more political and socio-economic unrest. These circumstances led the country into

international isolation and embargo, resulting in extremely weakened production, informal sector economy, and the appearance of new and earlier hidden private interests operating in parallel with the 'retreat of many previous, unequivocally public interests' (Nedović-Budić et al., 2011:440). These 'hidden private interests' are usually understood to be interests of a group of economically and politically powerful entrepreneurs, i.e. tycoons, associated with the centres of political power (Vujošević, 2003).

Within the field of planning, the most significant change concerned the system of land management, through an amendment of the Law on Housing ('Official Gazette of SRS', no. 47 / 90). The new legal framework enhanced privatization of almost all social / public housing stock, although its implementation was particularly 'blurry' (Ferenčak, 2015). In addition, the housing sector was heavily influenced by the social consequences of the wars in the former Yugoslavia and the large exodus of almost half a million Serbs from Croatia and Bosnia and Herzegovina at mid-1990s, the conflict in Kosovo, bombing of Serbia in 1999 and a new exodus of over 200 000 Serbs and other non-Albanians from Kosovo. These events have led to great pressure on cities and demands for affordable housing (Mojović et al, 2009).

Due to the emerging problem of lack of housing for refugees and internally displaced persons, the State initiated systematic changes in housing policy through the Law on Housing. As Mojović et al (2009) explain, inadequate short-term political actions resulted in: the sale of public housing stock without the formation of funds that would start a new cycle of investment in affordable housing; the collapse of the existing institutions, systems, mechanisms and human resources; allowing the market to direct and control housing need, followed by the lack of housing stock; increased demand for housing by refugees and internally displaced persons (IDPs); increased generation of informal settlements, while privatized housing was left to rapid deterioration (Mojović et al., 2009:7).

Informal and unplanned construction is a significant phenomenon of urbanization in Serbia. Although present in the 1980s, it gained enormous significance and took an unexpected course in 1990s. Informal construction is not just a synonym for the construction of informal housing and unregulated urban areas (Milić et al., 2004). Buildings constructed without building permits and legal approval are also found within

the central city areas, residential neighbourhoods in the peripheral zones of the city, areas of protected natural and cultural heritage, national parks, zones of sanitary protection, infrastructure corridors and rural areas (Žegarac, 1999). At the beginning of the 1990s, usurpation of public space and property as well as private property took on a massive scale. In this time of economic and political crisis and instability, private investment in the illegal real estate development was intensified. The development of informal settlements was not only connected to satisfying the basic housing need of vulnerable and poor groups, but also the requirements of rich and powerful investors (Vujošević, 2003; Grubovac, 2006). Records show that during this period, almost 50 per cent of the all developed housing was informal (Petovar, 2012).

Nedović-Budić et al (2011:429) use the term ‘the moment of discontinuity’ to describe the transitional character of planning practice in Serbia during the 1990s. With regards to the treatment of ‘the public interest’ in planning and other areas of policy-making, various authors state that ‘the public interest’ was ‘put aside’ due to the emergence of new, private interests (Vujošević, 2003; Nedović-Budić et al., 2011). On the other hand, one could argue that allowing large-scale informal development could be legitimized as ‘in the public interest’ due to the satisfaction of the housing need for a number of people that could not afford housing at market conditions (Mojović et al., 2009:17). However, the informal development later intended to satisfy not only a basic housing need for vulnerable groups, but also for the ones that were aiming for profit (Grubovac, 2006). Hence the 1990s might have represented, not only a ‘moment of discontinuity’ in the transition to a market-economy, but also a ‘moment of obscurity’ in terms of redefining the role of ‘the public interest’ in planning practice.

Although the use of the term ‘in the public interest’ seems rather ambiguous when considered in relation to the events of the 1990s, scholars argue that some other social concepts such as social capital and social networking were clearly implemented at the time (Petrović, 2005; Ferenčak, 2015). Despite the lack of the economic or financial capital, informal practices might have created some forms of social capital and networking within social groups (Petrović, 2005). The informal practices, such as grey economy and informal housing, represent particularities of urban planning practice that are often revisited in literature and PhD research (Žegarac, 1999; Grubovac, 2006; Žerjav, 2013; Vuksanović-Macura & Macura, 2014, and more). On the other hand, the

subjects of social capital and networking as potential ‘soft’ outcomes of such practices have not obtained much attention (Petrović, 2005).

### **3.2.3 *The 2000s***

The first democratically upheld elections occurred in early 2000s. According to Nedović-Budić et al. (2011), Serbia started its transition a decade later than the majority of the East European former communist countries. Although there was an ‘initial enthusiasm’ for the transition to democracy, economic liberalization, marketization and political re-decentralization, various authors claim that the transition was mostly characterized by extreme ‘battles for capital’ which involved groups of so called ‘tycoons’ close to the highest levels of government (Vujošević, 2003). This led to

‘...economic liberalization and marketization that were manifested in the form of initial capitalist accumulation and grab for resources [with urban land being a major target in this process].’

(Nedović-Budić et al. 2011:411)

According to Petovar, what was peculiar about urban planning at this time was the lack of opposition from professional associations to the variety of negative practices that were imposed by the government in conjunction with various interest groups (Petovar, 2008). Some other characteristics of this era were alleged corruption, high unemployment, political influence in the field of planning and development, as well as lack of internal and especially external investments due to the unstable economy (Vujošević, 2003; Ferenčak, 2015). These circumstances required extreme efforts to attract investments, privatization and the introduction of market-economy instruments for urban development.

In the field of planning, these circumstances demanded a high level of flexibility. The Law on Planning and Construction (2003) integrated the previously separate fields of spatial planning, urban planning, construction land, project management, development and legalization of informal settlements. It should be mentioned that the Law on Planning and Construction has undergone eight amendments since 2003 (Ferenčak, 2015). During this period the Law of Planning and Construction was initiated to accelerate the procedures for issuing construction permits to private investors; managing the regularization of the large-scale informal development (which, according to the estimates of the Ministry for Construction, Traffic and Infrastructure, was around 1.5 million dwellings); and, to clarify the Articles that separate public ownership over the

land and public-land use, where the urban land in Serbia is still mostly publicly / societally owned. The last amendment of the Law (145/14) introduced private ownership of public land-use, as well as an early public hearing, in addition to the formal public hearing at the very end of the planning process (Čolić et al., 2013). While it has been claimed that changes of legal framework might be officially connected to the field of spatial planning or urban development, they are essentially motivated by political urgency and the need to direct future development (Ferenčak, 2015:5).

A number of authors have investigated the establishment of the paradigm of ‘investors urban planning’ or ‘entrepreneurial urbanism’, as a major characteristic of contemporary planning practice in Serbia. The roots of this paradigm are political, with an aim of maximizing the potential of the location and rent, regardless of negative effects and environmental destruction (Petovar, 2008). ‘Investors urban planning’ involves adapting and subordinating the urban area to the interests of investors, who then establish the main criteria in the definitions of planning solutions (Pušić, 2012:89). According to Petovar (2008), the paradigm itself implies the abolition of urban norms and established standards of physical planning, as based on the rational approach that was practiced for decades.

From the brief overview above, it is clear that Serbian planning practice has seen a number of changes and challenges since the 1950s. On the other hand, it appears that ‘bureaucracy and the top-down approach to decision-making where planning practice serves just to ‘fulfil the form’, remained pertinent and unchanged’ (Ferenčak, 2015:8). That is to say, the socialist and contemporary eras only differentiate in their identification of ‘the powerful decision maker’. While in the era of socialism that decision-maker was the State led by a particular ideology oriented towards ‘leave a legacy’, today this is the alliance of the politicians and tycoons (Vujošević, 2003). Hence, in those circumstances where ‘local planning activities, private interest and investment rationale prevail,’ the public sector acts insufficiently ‘towards protecting the public land and interests’ (Nedović-Budić et al., 2011:447).

The sections above aimed at providing an insight into some of the particularities of Serbian socialist and post-socialist planning practice in order to provide a better understanding of the local context where ‘the public interest’ is framed and articulated. The next section will consider the current planning system from the perspective of the

institutional framework, as well as the hierarchy of planning documents that direct city development.

### **3.3 Some characteristics of the planning system in Serbia**

Based on the premise that context, process and outcomes should not be observed as separate spheres (Fainstein, 1999), the previous section offered an insight into some of the economic, societal and planning circumstances in Serbia from socialism until today. This section will attempt to provide a better understanding of the local context wherein planning processes and outcomes are framed, by considering some characteristics of the institutional and planning system in Serbia.

#### ***3.3.1 Institutional framework***

In order to comprehend the institutional framework of Serbian planning practice, it is necessary to point out the role of the local government and public institutions in the field of planning and urban development. It should be mentioned that most of the existing public institutions were initiated after WWII as part of a ‘renewal’ period in Serbia (Yugoslavia).

The development of new socialist settlements in New Belgrade, Novi Sad, Kragujevac, Niš and other cities in the 1950s was a large-scale organizational, economic, construction, architectural and urban planning task that required logistics and an institutional framework that did not exist before WWII (Ferenčak, 2015:4). Hence, larger towns gradually formed Urban Planning Institutes as specialized professional institutions for spatial and urban planning, while Development Directorates were in charge of the investments, legal framework, financial and supervisory role in the preparation and realization of the construction of new settlements. Moreover, they were in charge of equipping the development land with infrastructure. The city of Belgrade has formed a special Development Directorate for the purpose of developing New Belgrade, as well as the smaller-scale specialized Directorates in charge of equipping and developing public squares, river banks, roads, etc. (Ferenčak, 2015:4).

Around 1970, these specialized enterprises consolidated into a single Directorate for the construction and reconstruction of Belgrade. As the development progressed, there was a need for strengthening the administrative control of the planning and development system. Hence, the administration established city secretariats in the fields of education,



health, social protection, urban planning and construction, and others. Smaller cities had units and departments instead of secretariats. In addition to other administrative tasks, the secretariat's role was to provide requirements for the capacities of SGIs under their jurisdiction to the Urban Planning Institute, at the early stage of planning process. These requirements took the form of norms and standards for the development, which had to be respected in plans.

Planning institutions and smaller units in Serbia number from a small handful to as many as 150 employees. Since socialism, however, their collaboration in relation to land management was not clearly defined by law (Ferenčak, 2015). Secretariats collaborate with the Urban Planning Institute in the phase of plan preparation, as happened during socialism. The Secretariat for Urban Planning and the Construction of Belgrade holds a particularly important role in initiating the preparation of plans, conducting the provision of information about specific locations, conducting issuance of building permissions, and other responsibilities. The Development Directorate is still in charge of providing the main public technical infrastructure. In addition, they are responsible for calculating and determining fees for equipping and lease of construction land, as well as for preparation of information on potential development locations for private investors. Finally, as they explain on their website, 'the aim of the Directorate is to protect the public interest'.

Another institution that participates in planning and development is the Serbian Ministry of Construction, Transport and Infrastructure. The Ministry defines the legal framework and evaluates the implementation of law. It defines development policies and provides permissions for development of projects that are of national importance for the Republic of Serbia, while the Minister provides the final approval of the plan.

Finally, an important role in Serbian planning practice is held by the Planning Commission that performs the professional tasks of expert verification of compliance of urban projects with the other relevant and higher-level plans, policies and the Law on Planning and Construction. The Commission operates at regional level for the province of Vojvodina and at local level, in cities and municipalities. The president and members of the commission are appointed from amongst experts in the field of urban, spatial planning and construction. One third of the members are appointed on the

recommendation of the minister. There are usually 5 members of the Planning Commission, while the final decision on the plan approval is regulated by voting.

Despite the relatively developed network of institutions in charge of planning in Serbia, scholars often describe it as chaotic and unsynchronized (Vujošević, 2003; Ferenčak, 2015), with the collaboration between the institutions often relying on the ‘enthusiasm of individuals’, or planning professionals. A brief overview of the institutional planning framework in Serbia serves to provide some additional understanding of the local context in which ‘the public interest’ is framed. The next section will consider the characteristics of the current system of spatial and urban plans, as well as their role in relation to planning and development at different levels of decision-making.

### ***3.3.2 The system of plans***

The territory of Serbia covers around 88 000 square kilometres, with an overall population of 7 200 000 inhabitants, of which almost 1.7 million live in the capital of Belgrade (Census, 2011). The territory of Serbia includes one autonomous province Vojvodina, 174 local government units, 23 cities and 150 municipalities (Law on Territorial organization of Republic of Serbia, 2007). Since the 1970s, planning in Serbia has been officially decentralized. The planning process is conducted by the relevant planning authority, depending on the type of plan. Plans are developed by public and private planning agencies. Plans are prepared at state / national, regional and local level. The Constitution of the Republic of Serbia assigns spatial planning to the national and provincial level and its bodies, while the urban planning is under the authority of the local government units and their bodies (Table 3.1), including also the Spatial Plan of the Unit of Local Administration (city / municipality) as a basic local strategy document.

Plan	Institution (authority and planning agency)	Level
<b>Spatial Planning</b>		
Spatial Plan of the Republic of Serbia	Ministry of Construction, Traffic and Infrastructure (government)	National
Regional Spatial Plan		
Spatial Plan of the area of Special Purpose (SPSP)	Planning Agency / Institute	
Spatial Plans for the Territory of the Province of Vojvodina	Autonomous Province of Vojvodina	Provincial (Province of Vojvodina)
	Planning Agency / Institute	
Spatial Plan of the Unit of Local Administration (City/Municipality)	Local Administration (Department for Urban Planning)	Local
<b>Urban Planning</b>		
General Urban Plan (GUP)	Local Planning Agency / Institute	
General Regulation Plan (PGR)	Public and private	
Detailed Regulation Plan (PDR)		
Urban project (UP)*		

\* UP is not a formal plan but serves for its' implementation

Table 3.1: Plans and levels of government in planning and development in Serbia

Spatial planning takes a specific place within Serbian planning practice. Its scope, content and coverage are usually 'wider' than city-level urban plans, but less detailed. In Serbia, spatial planning is aimed at influencing the future strategic distribution of activities, environmental protection, the planning and development of projects at national level, indicating the regional and national priorities for economic and social development, amongst other things. As Trkulja et al (2012:1733) explain, spatial plans are more strategic and less oriented towards defining norms and standards or land-use. Their main role is coordination of urban plans, organization of networks of settlements, horizontal and vertical coordination of decision-making, amongst other things. Yet as these authors note, implementation has been the weakest part of the spatial planning process (Trkulja et al., 2012). Spatial plans recognized in the legal framework are:

- 1) Spatial Plan of the Republic of Serbia – as a basic spatial planning document that sets out strategic development priorities and has a general regulatory role,
- 2) Regional Spatial Plan – although Serbia has no administrative regional level, the plan is adopted in line with the regional division officially marked as NUTS 2 and NUTS 3 (in abbreviations), where the plan should set out the goals of spatial development in relation to other regions in Serbia,
- 3) Spatial Plan of the Unit of Local Administration – this plan is adopted for the entire territory of the local government unit (municipality / city) and defines the

guidelines for development activities and land-use, as well as the conditions for sustainable and balanced development, and

- 4) Spatial Plan of the area of Special Purpose – this plan is derived from the Spatial Plan of the Republic of Serbia for the areas that require special treatment due to their natural, cultural, historical or environmental value, areas of mineral resources, areas of tourist potential, hydropower potential, etc.

Besides spatial planning that is practiced at the ‘higher’ regional and national level of decision-making, general urban planning is considered to be the key instrument of strategic and land-use planning at local level. In international terms, it is often described as ‘zoning’. General urban planning dates back to the socialist era. It has been under the authority of local communities for over 50 years, satisfying very important decentralization criterion within the sector of urban planning and construction (Radosavljević, 2005). The Serbian planning framework recognizes three levels of general plans:

- 1) General Urban Plan (GUP) – this is a strategic document that contains general elements of spatial development and is adopted at the city / municipality level;
- 2) General Regulation Plan (PGR) – this plan covers the area of the whole city / municipality, like the GUP, although it also contains land-use and other regulation at plot level, it is therefore directly implementable, or else possible to obtain a building permit if the plan allows direct implementation at the area of interest;
- 3) Detailed Regulation Plan (DUP) – this plan is prepared and adopted at neighbourhood level, it contains all the regulations that allow for direct implementation; it represents a necessary instrument for development of unregulated or informal zones, infrastructural corridors, change of land-use.

Besides these general urban plans that contain regulatory and land-use norms and standards for development and construction, we will mention the Urban Project (UP), an instrument for the implementation of general plans. The scale of UP elaboration is usually at neighbourhood level. The system of plans in Serbia is top-down, where lower-level plans are in line with higher-level plans, as defined in the Law on Planning and Construction (2014).

This section aimed to briefly elaborate the current system of plans in Serbia, while the previous sections were more concerned with the institutional framework and general socio-economic and political circumstances in Serbia, from socialism until today. With that in mind, the following section will propose dimensions of Serbian planning practice where ‘the public interest’ is potentially framed and articulated, as the contextual basis for further stages of research.

### **3.4 ‘The public interest’ in Serbian planning practice**

Assuming that ‘the public interest’ is not just a ‘vague’ concept that cannot be empirically verified, this section will present the possibilities for its articulation in Serbian planning practice. These are identified as:

- 1) Public land-use and SGIs,
- 2) Expropriation of land,
- 3) Public participation, and
- 4) Daily planning practice of planning practitioners.

#### ***3.4.1 ‘The public interest’ as public land-use and SGIs***

Within Serbian legislation, the term ‘public interest’ is formally attached to the Laws on Planning and Construction, on Expropriation and on Public Services. The Law on Planning and Construction (‘Official Gazette of RS’, no. 145/2014: Article 2) defines the public land-use as an ‘area intended for construction of public facilities or public spaces which can require the proclamation of the public interest in accordance with the special law (streets, squares, parks, etc.)’. In the period between 2003 and 2014 under planning legislation, public land-use was equated with the public ownership of the land, as defined in the Law on Expropriation (1995, 2001, 2009, 2013). As such, it would require the ‘proclamation of the public interest’, a satisfaction of the criterion of public ownership that would allow expropriation.

The last modification of the law involved a new definition. The facilities intended for public land-use are now defined as ‘the facilities intended for public use only, and can be publicly owned, or can take any other form of ownership’ (Law on Planning and Construction, 2014). This definition represents a significant change in relation to the legal framework of the 2000s (2003, 2006, 2009), which did not make the distinction between public land-use and public ownership. Until 2003, urban construction land for public use in Serbia was mainly in public ownership, and it could not be privately

owned. This land was either developed (public land-use / SGIs) or was still to be developed 'to serve the public interest' (Zeković, 2009). Now, public land-use can take any form of ownership, but only publicly owned land-use requires the instrument of expropriation (section 3.4.2).

The term 'public interest' is also mentioned within the Law on Public Services (2005). Within the law, public services / SGIs are defined as institutions, enterprises and other organizations that perform activities to ensure the realization of citizens' rights and needs. SGIs are established in the field of education, science, culture, sport, student standard, health care, social care, child care, social security, animal health care, in order 'to ensure the realization of the rights provided by the law, and realization of the public interest' (Law on Public Services, 2005). Hence, it can be argued that the term 'the public interest' is used to relate citizens' rights to SGIs.

As Petovar and Vujošević (2008) note, some of the basic social rights of citizens are realized through SGIs. The EU refers to Services of General Interest – SGIs, or services of general economic interest, which meet people's daily needs and are vital to well-being. The definition of SGIs emphasizes the responsibility of authorities to ensure the supply of these services, regardless of whether they are profitable within the free market economy. The definition of SGIs in international documents indicates their essential characteristics: equal access for all, reasonable conditions of accessibility, and high level of subsidies since most of these services are not profitable (Petovar, 2003). However, as Petovar and Vujošević (2008) state, the subject of SGI availability is still lacking attention within the Serbian political and professional realm, while it is only vaguely mentioned within the documents related to poverty reduction, improvement of primary and secondary education, health and social care.

From the previous discussion and evidence obtained from the content analysis of the legal framework, this research proposes that 'the public interest' can be articulated through the dimension of planning public land-use and SGIs. The next section will aim to provide justification for observing 'the public interest' through the instrument of expropriation, as it is closely related to the implementation of public land-use and SGIs.

### 3.4.2 *‘The public interest’ as an instrument of expropriation*

The term ‘public interest’ has existed within Serbian urban planning legislation since 1947 (Law on Expropriation) and is used as a basis in the establishment of terms and conditions for conducting the expropriation of land. Within the legal framework, the term ‘public interest’ is formally attached to converting from private into public the ownership of the land and buildings, with the aim of developing public land-use (Law on Expropriation, 2013).

Based on the Law on Expropriation (2013: Article 20), the land that is legally eligible for expropriation is public land-use and SGIs:

‘The Government may determine the public interest for expropriation of the property/ownership over the land necessary for the construction of facilities in the fields of: education, sport, health, social welfare, culture, water, transport, energy and municipal infrastructure, facilities for government agencies, facilities for the defence of the country, and housing for the socially deprived (social housing), land for exploitation of mineral resources...The Government may determine the public interest for expropriation to ensure environmental protection, protection from natural disasters, displacement of settlements or parts of settlements...’; The law implies that these facilities are publicly owned, while the users of expropriation can be ‘the Republic of Serbia, autonomous province, city, municipality, public funds, public services.’

(2013: Article 8)

Some of the major differences between the socialist and contemporary definitions of ‘the public interest’ within the legal framework concern the changes in definition of public land-use with regards to the Law on Expropriation. The Law on Expropriation (1947: Article 2) states that

‘...real estate property and the rights over the property can be expropriated when the public interest is established for the purpose of the social-economic and cultural prosperity of the population.’

(1947: Article 2)

Hence, the law implies that commercial land-use such as residential housing or shopping mall could be eligible for expropriation, due to being publicly / societally owned. These regulations held for almost four decades, until the Law on Expropriation

(1995) where residential housing and commercial land-use were extracted from the list of land-use, due to transfer of ownership from public to private.

Hence, this research proposes that the instrument of expropriation is a dimension of planning practice where ‘the public interest’ is articulated. This understanding is based on evidence that shows that Serbian planning legislation traditionally relates the term ‘public interest’ to public ownership of land and facilities, as a basis for conducting the expropriation of land. This notion is still present within contemporary planning practice, although the societal order has changed from a socialist to market-economy.

### ***3.4.3 ‘The public interest’ as public participation***

The previous two dimensions of planning practice, in relation to the provision of public land-use and SGIs can be seen as a normative articulation of ‘the public interest’. This view is based on the notion that both expropriation of land and planning of public land-use are regulated by the legal and planning framework, where their definition is imposed top-down. On the other hand, public participation can be considered a procedural means of obtaining an understanding of a bottom-up, substantive expression of ‘public interest’. Or, as Klosterman (1980) states, public participation is particularly useful ‘to provide for the collective concerns of the public which are often neglected by the market and pluralist decision process’ (Klosterman, 1980).

Public participation has a long tradition in planning processes in Serbia, where it has been an integral part of urban planning since the 1950s (Table 3.2). In the last decade, participation has been operationalized in the field of spatial and general planning. The early socialist era was characterized by a lack of wide and meaningful public participation, where the definition of ‘the public interest’ has been mainly defined and implemented top-down. The amendment of the Law on Planning and Construction (1961) introduced changes that implied public participation beyond ‘informing’, while the era of 1970s and 1980s is often considered a ‘golden age’, when planners practiced various forms of public participation as well as public and expert discussions (Nedović-Budić et al., 2011). The amendment of this Law in 1995 introduced changes with regards to public discussion, which was abolished as an obligatory part of the process. A recent amendment of the Law on Planning and Construction (2014) introduces a new form of early public hearing in the phase of pre-draft plan, in addition to the regular public hearing.



1949	- Public hearing for 30 days after the completion of Draft Plan, - Main participants: experts involved in the plan preparation, politicians and administrative bodies at various levels; major investors
1961	- Public participation to provide legitimacy and verification of plan, - Mandatory involvement of citizens, - Possibility to submit complaints to the plan
1974	- Extensive public participation to provide legitimacy and verification of plan, - Public discussion to provide evaluation that affects the final plan, - Possibility to submit complaints to the plan
1985	- Public hearing and experts and public discussion for General Urban Plan, - Two compulsory public discussions for preparation of GUP – before and after the Draft Plan, - Possibility to submit complaints to the plan
1989	- Public discussion in order to resolve different interests, - Surveys within the analytical phase of plan preparation, - Possibility to submit complaints to the plan
1995	- Public participation to provide legitimacy and verification of plan, - Informing the wider public on dates of public hearing, - Simultaneous presentation of Draft Plan and coordination of expert discussions, - Possibility to submit complaints to the plan
2003	- Abolishing the expert discussion on the Draft Plan, - Planning Commission obtains legislative control role, - Possibility to submit complaints to the plan
2009	- Possible expert discussion during the public hearing on the Draft Plan
2014	- Introducing early public hearing at the 'conceptual planning solution' phase and abolition of the pre-Draft Plan, - Planning Commission conducting both early and regular public hearing

Table 3.2: Public participation procedure in the Law on Planning and Construction

While it appears that the status of public participation as an instrument to reach an understanding on the bottom-up, substantive ‘public interest’ has improved in comparison with the socialist era, or planning practice in the 1990s and 2000s, it is often suggested that contemporary planning processes are characterized by the scepticism of professional elites and public administration in relation to participatory planning (Čolić et al., 2013). Moreover, according to Vujošević and Petovar (2008), public participation is usually operationalized in a form of tokenism. Although not legally defined as ‘in the public interest’, in this research public participation is proposed as a dimension of planning practice that provides possibilities for ‘the public interest’ to be framed and articulated in a bottom-up fashion.

#### ***3.4.4 Daily practice of planning practitioners ‘in the public interest’***

‘The public interest’ concept might be replaced with new and fashionable terms (Bozeman, 2007), but it still stays as one of the central issues around the debate on the principles that planning practitioners should employ within the decision-making process. The recognition that planning operates within a certain political environment means that it is up to planners to balance the variety of interests that occur within the

planning process. As Forester (1999) argues, ethical judgments are central to the day-to-day work of practitioners. Their role as mediators of decision-making process is a rather demanding task.

Various authors relate the daily planning practice of planners to ‘the public interest concept’. As Fainstein and Fainstein (1971) explain, according to the traditional ideology of planning,

‘The planner’s appropriate role is to be a value-neutral advisor to decision-makers about the best way to serve the public interest, without promoting particular policy decisions.’

Fainstein and Fainstein (1971:342)

Yet the notion of value-neutral planning is often denied due to the inseparable relation between planning and politics. As Campbell and Marshall (2000:297) state, ‘planners have long taken comfort in the assumption that their actions are justified through their association with furthering the public interest’. Considering the still present influence of socialist doctrine on Serbian planners, Vujošević and Petovar (2006) share the view of international scholars on the legitimizing role of the concept:

‘...perhaps no other change has shaken that much the unquestionable self-understanding and often narcissistic planners’ conviction that they are acting in the name of higher goals, such as a clear and undeniable breakdown of ‘the public interest.’

Vujošević and Petovar (2006:358)

As these authors explain, for several decades after WWII, ‘the public interest’ served as the main basis for legitimizing actions in planning practice. When ‘that comfortable rug was pulled out from underneath their feet’, planners acted as though nothing had really changed; they therefore continued with ‘individual professional engagements that are enlightened by the aura of public interest while they work and engage with various individual and partial interests’ (Vujošević & Petovar, 2006:358).

Both international and Serbian authors connect ‘the public interest’ to the practice of planning practitioners. While some traditional definitions consider its ‘value’ as an ethical goal of planner’s work (Hoch, 1994; Alexander, 2002), a number of scholars criticize planners for justifying certain actions with the term ‘in the public interest’ while promoting interests that cannot be attached to the ‘category of publicness’ (Vujošević & Petovar, 2006). With regards to each position in this discussion, the daily

practice of planners can be observed as an arena where ‘the public interest’ and other interests are manifested, articulated and possibly balanced. Hence, it is here proposed as the fourth and final dimension of Serbian planning practice where ‘the public interest’ is possibly articulated.

It should be mentioned that these dimensions also represent the ‘basic’ themes of the contextual framework, which aim to provide the possibility of further investigation into the articulation of ‘the public interest’ in Serbian planning practice. This is not to propose, however, that these dimensions constitute of a ‘hard framework’ that cannot be changed regardless of the local context, availability of evidence, or other factors.

### **3.5 Concluding remarks**

As Vujošević and Petovar (2006) put it, there are very few elements that can be attached to the ‘general’ or ‘public interest’ in the current transitional circumstances. It appears that ‘the public interest’ is still present as a ‘left-over’ from the socialist past and can be identified in some aspect of current practice and ideology among some planners (Vujošević & Petovar, 2006). Hence, the authors propose that ‘the public interest’ is associated with the State’s intervention in line with the socialist ideology, which presumably regards the concept in line with the provision of ‘public goods’ – public land-use and SGIs; and, that it remains within ethics of planning professionals as individuals, where ‘the public interest’ represents a certain norm or a code of conduct within their daily practice, from socialism until today.

On the other hand, the establishment of free markets and democracy would ideally provide circumstances that would allow for the definition and implementation of a pluralist, utilitarian approach, where ‘what is in the public interest’ is reached through communication and collaboration between the State and its citizens. Nevertheless, Pušić (2012) explains that

‘if the urban planning practice in Serbia has a long-lasting issue to recognize ‘the public interest’ as the interest of the public rather than the top-down defined concept, we can expect even less in the current era of market-urbanism.’

Pušić (2012:88)

Pušić here refers to the consistent domination of powerful decision makers over the interests of the general public, as well as the bureaucracy and technocracy of planning practitioners. As he has stated, contrary to a democratization of public affairs and the

encouragement of a ‘certain level of political culture’, urban planning in Serbia ‘slipped into the bargain flirting with market requirements...in such circumstances there is no place for the myth called technocracy’ (Pušić, 2012:89).

From this brief overview of some of the characteristics of Serbian planning practice, it seems the majority of scholars recognize the variety of issues and particularities when it comes to defining and implementing ‘the public interest’. Some consider the significance of the socialist heritage, where ‘what is in the public interest’ is prescribed top-down, and are particularly concerned with circumstances under which the contemporary practice operates. According to other authors, ‘the public interest’ is ‘abolished’ under the pressure of various private interests and political decisions. Thus, democracy and a market-economy do not necessarily imply the deliberation and possibilities to address plural interests, but an even stronger tendency towards the already-agreed development course. In these circumstances, planning professionals are usually regarded as indifferent, ongoing technocrats who cannot observe ‘the public interest’ beyond the technical norms and standards for public land-use (Petovar, 2006). The question that arises is whether and how the contemporary Serbian practice might develop a planning methodology that will reconcile the demands of rationality and pluralism that the city requires (Pušić, 2012:89).

A brief insight into Serbian political, economic and social transition, as well as the changes in planning practice and its legal framework since socialism, has been presented in this chapter. The aim was to provide an understanding of ‘the public interest’ as a changing notion in relation to planning, within the local Serbian context. In addition, a content analysis of the legal framework and planning documentation highlighted the possibility that ‘the public interest’ can be articulated within Serbian planning practice within several dimensions. These conclusions will form the basis of an empirical investigation into the changing role of ‘the public interest’ in Serbian planning practice. The following chapter will present the methodology that has been adopted for this research.

## **Chapter 4 Adopted methodology**

### **4.1 Introduction**

The possibility of ‘the public interest’ being a ‘vague criterion’ for an empirical research (Bozeman, 2007) was at first discouraging in the search for a methodological framework to address the main research problem. Moreover, during the initial stages of this research it became clear that there were a lack of existing studies on the operationalizing possibilities of ‘the public interest’. However, the research conducted in the previous chapter revealed that, within the context of Serbian planning legislation, the term ‘in the public interest’ is used as an actual criterion for defining the public land-use and expropriation of land.

This evidence showed that, perhaps ‘the public interest’ was not necessarily a ‘vague’ criterion in itself, but that the previous research lacked the sort of contextual understanding that would allow for insight into its possibilities for operationalization. The methodological framework of this study is thus based on an approach that encourages an in-depth knowledge and contextual familiarity with the planning practice in local settings, leading the researcher to an in-depth understanding of the researched phenomenon - in this case ‘the public interest’. This rationale is grounded in the phronetic approach to planning research mentioned in Chapter 3 above (Flyvbjerg, 1998, 2004, 2012).

In terms of epistemological considerations, this research looks for both understandings and explanations, to be reached through a mixed-method case study approach (Flyvbjerg et al., 2012). This methodological choice is justified by the problem-driven research design and the explanatory character of the research itself. This means that the research is not guided by the choice of the research methods, but that the methods and their sequence follow the requirements of the research problem (Flyvbjerg, 2004; Aitken, 2010).

This chapter will provide a rationale for the adopted methodology of this research project. It will start by addressing the research design, and will go on to explain the way in which each method was employed in order to address the main research problem, as well as its sub-questions. Finally, it will offer some understandings on the potentials as well as limitations of this particular methodology in relation to the proposed research subject.

## 4.2 Problem-driven research design

Within this research, the term *phronesis* is employed in two ways. Firstly, the term is related to as ‘practical wisdom’ that planning practitioners use in order to recognize the variety of interests at the early stage of the planning process within the specific local context where they daily operate (Flyvbjerg, 1998). Secondly, *phronesis* relates to the adopted methodology in this research, where the phronetic researcher uses his / hers intimate familiarity with the local context as a base for examining the potential articulation of the social phenomenon in question. This chapter will aim to illuminate how *phronesis* is employed as a methodological framework for the proposed research.

Flyvbjerg (1998:209) refers to Foucault and the ‘Dark side of Planning’ and later ‘Rationality and Power’ in order to point out the importance of recognizing the variety of interests at the early stages of the planning process in order to develop a comprehensive strategy that will direct future steps of the development. Therefore, the phronetic approach to planning is characterized by the planner’s ability to perceive power as an inseparable part of the planning practice. On this matter, Flyvbjerg raised significant arguments within his research on the Aalborg project (‘Rationality and Power’) while investigating the course and nature of the planning process. The findings of his research pointed at the way different individual interests shape the project, and city, by operating under the veil of ‘the public interest’.

Therefore, *phronesis* or ‘practical wisdom’ (Aristotle) comes from an intimate familiarity with certain aspects of practice where the social phenomenon is framed and / or articulated (Flyvbjerg, 2002). Only then, social science could provide ‘knowledge that the people being studied can themselves use to address better the problems they are experiencing’, besides aiming for a model of how to produce scientific knowledge that can inform about social relations (Schram, 2012:16). The literature on the possibilities for the operationalisation of the phronetic approach as a research methodology has evolved since this research was initiated. At the outset, the only available literature came from Bent Flyvbjerg who tested this approach on the case study of the Aalborg project in Denmark (Flyvbjerg, 1998). Although Flyvbjerg presented an in-depth inquiry that helped to identify the relations and articulation of ‘power’ and ‘rationality’ in connection with the Aalborg development, he did not provide a detailed methodological ‘cookbook’ that would direct future phronetic researchers. As he stated,

each researcher should find his own way in order to reach the *phronesis* based on the characteristics of local context, as well as possibilities to access data (Flyvbjerg, 1998). The chosen research design should allow the researcher to distinguish the nature of ‘planning in the public interest’ and therefore help answering the following phronetic questions:

- (1) ‘Where are we going?’
- (2) ‘Who gains and who loses and by which mechanisms of power?’
- (3) ‘Is this development desirable?’
- (4) ‘What, if anything, should we do about it?’

(Flyvbjerg, 2004:283)

In relation to this research, the first phronetic question might be addressed by identifying the case / cases of ‘planning in the public interest’ as a subject of observation. These would represent a base for empirical investigation of the course of actions in preparing and implementing ‘the public interest’. Secondly, an in-depth understanding of the actors in the planning process, their interests, as well as their orientation towards ‘the public interest’ would help answering the second phronetic question of ‘who wins and who loses’. Thirdly, in order to evaluate if ‘this development is desirable’ the researcher needs to consider the potential outcomes of development too, and evaluate if its potential effects are in ‘the public interest’. In this stage, the researcher should apply moral reasoning to the empirical record (Landman, 2012:36). Finally, by conducting an in-depth investigation around the previous questions, the researcher should be able to engage with the substantive issues such as: ‘what should be done in order reach the ‘public interest’ in planning practice?’ and ‘how are we going to do it?’ (based on Flyvbjerg, 2004). Answering these questions is possible only if the subjects of the research possess the local knowledge that emerges out of daily planning practice of coping with different interests (Schram, 2012:19).

In terms of epistemological considerations, this research looks for both an understanding and explanation of the role of the public interest within Serbian planning practice. These can be reached through a mixed-method case study approach (Flyvbjerg, 2012), where qualitative inquiry is employed as a primary and quantitative inquiry as a secondary and complementary method of data collection and analysis. In relation to the proposed research, qualitative inquiry was developed as a way of enhancing the *phronesis* - by providing an in-depth understanding of the work of actual planning practitioners, under

the assumption that they possess this kind of intimate and expert knowledge on the treatment of ‘the public interest’ within their daily practice.

An interpretive approach to data collection and analysis was employed, according to which ‘the researcher cannot stand outside of the subject of study’ in order to understand how the treatment of the social phenomenon is subjectively experienced and interpreted by the people being studied (Fischer et al., 2007:407; Forester, 1999). The main research method here is thus qualitative interview, complemented with overt participant observation and analysis of social media (Facebook, web forum).

Quantitative inquiry serves as a secondary and complementary method of distinguishing the articulation of ‘the public interest’ within Serbian planning legislation, expressed through plans at city and neighbourhood-level. It aims to provide the possibility of data triangulation on the specific case studies. On top of the previous points that aim for better understanding of the research problem and developing the theoretical understanding on ‘the public interest’ concept in planning (inductive cycle), the mixed-method case study approach holds the potential to provide sound quantitative evidence that will support, reject or modify the theoretical ground from which the research has begun (deductive cycle).

The following section will consider the reasons for employing the case study approach as the basis of problem-driven research design. It will go on to explain the use of qualitative and quantitative inquiries in data collection and analysis. It will conclude by considering the potential benefits and limitations of this approach in relation to the main research problem.

### **4.3 Case study approach**

As Yin (2009a:1) states, the value of the case study approach is recognized in exploratory research ‘when the focus is on contemporary phenomenon within some real-life context’. In relation to the proposed research, the contemporary phenomenon is ‘the public interest’ while the real-life context is Serbian planning practice in Belgrade.

The reasoning behind the decision to employ the case study approach is in line with the phronetic and path-dependency approaches to planning research, too, which recognise the value of the context-based, problem-driven research strategy based on a case (Flyvbjerg,



2006). Some of the main characteristics of this approach include the idea that context-dependent knowledge brings the research to an 'expert level', where 'concrete, context-dependent knowledge is more valuable than the vain search for predictive theories and universals', and secondly, that one can potentially generalise from a single case if there is a close familiarity with the local context and the case is carefully chosen, as opposed to the random, large samples (Flyvbjerg, 2006:225).

The argument is that context-dependent knowledge is essential for any case study analysis drawing on close familiarity with the local context. This kind of expert knowledge can be reached through the in-depth investigation of a single case (Yin, 2009a). As Flyvbjerg (2006:224) explains, it is common to all experts that they operate based on a kind of intimate knowledge of many single cases in their area of expertise, and not only on the general textbook context-independent insight into the problematics. Hence, context-dependent knowledge and expertise are the precondition of any expert activity, but also the basis of a case study as a teaching, learning or research method (Flyvbjerg, 2006:225).

In relation to this research, the literature review on the articulation of 'the public interest' in planning theory provided a broad understanding on the theoretical approaches to the concept of 'the public interest'. However, according to the case study approach, it is only by placing this phenomenon within the local context that it can potentially provide assurance of validity of the research, as well as in-depth understanding on the ways in which these findings might be generalised (Yin, 2009a).

Besides providing an in-depth understanding on the researched phenomenon, the expert knowledge gained through case study research can help actors understand their own direct accounts of their motivations and observations (Yin, 1981). This means that being able to understand how the treatment of the social phenomenon is subjectively experienced and interpreted by the people being studied - may help both the researcher and subjects of the research question their ongoing practice, ethics, as well as relationships of power and knowledge, and thereby work to produce change (Schram, 2012:19).

The importance of context-dependency is also recognised within the widespread 'path-dependent' / historical approach to research on post-socialist societies in general and Serbia in particular (Chapter 2, section 2.6.2). The idea that the socialist era produced a

unique urban model - substantively different to that of capitalist cities (Szelenyi, 1996), serves as a basis for path-dependency research on post-socialist societies. Nevertheless, the development path of all the post-socialist societies did not necessarily take the same course (Tosics, 2004). Hence, it is assumed that the concrete context-dependent knowledge on the changing role of 'the public interest' in planning practice in Serbia could be reached only through an in-depth inquiry focused on specific socialist and post-socialist cases of 'planning in the public interest'.

One of the most common critiques of the case study approach is related to the notion that an individual case, or small number of cases, cannot serve as a basis of generalisation, or theory development. This stand is pertinent in the natural sciences or any positivist approach where theories are conceptualised or reconceptualised based on a large number of cases in order to generalise an assumed relationship or property (Giddens, 1982:328). Nevertheless, a purposeful and not random choice of the case and sample, in-depth understanding of the context, recognition of data availability, use of both qualitative and quantitative inquiry, as well as researcher's attitude and ability to collect, analyse and triangulate data - could overcome these obstacles and provide potentially generalizable knowledge (Flyvbjerg, 2006).

#### ***4.3.1 Case selection***

In choosing case studies of planning practice in Serbia, so as to understand the role of 'the public interest', the following aspects were considered. Belgrade, as the capital of Serbia, has a long tradition of planning practice and planning institutions. The majority of contemporary investments are located in Belgrade, which implies that various influences, changes and issues related to the political, economic and social realm are articulated in planning practice within this local context. As a capital city, Belgrade is often recognized as the 'test ground' for critical, but also extreme planning practices that are later applied on a smaller scale around Serbia (Petovar, 2008). The critical planning practices here relate to the 'common' and 'repeated' developments in line with the formal planning system and legal framework (Bryman, 2014). On the other hand, the extreme cases of planning and development appear occasionally and substantively different from the usual / formal practice (Bryman, 2014; Yin, 2009a). Hence, the examination of both critical and extreme cases in Belgrade could possibly hold the key to a more generalized understanding of the changes and challenges faced by the Serbian planning system in its adjustment to the free-market economy, as well as the articulation

of 'the public interest' within such practices. Last but not the least, the researcher spent one year working in the Urban Planning Institute of Belgrade, and had the opportunity to be included in the preparation of urban and general plans at various levels (Plan of General Regulation, Detailed Urban Plans) and is thus to some extent familiar with both the planner's work in practice as well as urban plans that are developed.

The researcher's 'quest' for cases of planning in 'the public interest' started off without preconceptions as to what these case-studies would be. The specific cases for this research derived from the qualitative interviews with planning professionals in Belgrade, where interviewees were asked to provide example of developments in Belgrade that are 'in the public interest'. In addition, all of the selected cases needed to be defined as 'in the public interest' within both the planning and legal framework.

This enquiry includes four cases - two large-scale developments (a socialist and a contemporary example) and two neighbourhood-level developments (again, a socialist and a contemporary example). These case studies aim to reflect different levels of planning - broader large-scale developments, as well as specific neighbourhoods or smaller-scale representatives of the socialist and contemporary planning and development eras respectively. The two large-scale developments were identified as New Belgrade (socialist era) and the Belgrade Waterfront (contemporary, in progress), as well as two neighbourhood-level developments - Block 23 (a 1970s neighbourhood in New Belgrade) and Stepa Stepanović (contemporary example, 2013).

Data on large-scale developments was accessed through interviews and participant observation at public discussions for the contemporary Belgrade Waterfront development, as well as the analysis of content and planning legislation since socialism, the consultation of available planning literature and basic quantitative analysis of city-level plans (General Urban Plans – GUPs and Spatial Plan of Special Purpose Belgrade Waterfront - SPSP). Data on neighbourhood-level cases was derived from interviews with planning practitioners and some inhabitants of these neighbourhoods, content analysis of planning legislation, and was complemented with basic quantitative analysis of neighbourhood-level plans (Detailed Urban Plans – DUPs and Urban Project - UP).

This research started off under the premise that all of the above developments are most likely to have elements of critical cases (Bryman, 2012:70) that aim to deliver better

explanations of the social phenomena of interest - in this case the articulation of 'the public interest' within socialist and contemporary planning practice in Serbia. However, as the research progressed, some cases also seemed to be extreme cases, which are unlikely to be similar to any other case in Serbia (Bryman, 2012:70).

The case study inquiry may also contribute to the re-evaluation of existing theory on the nature of planning, in particular with respect to the treatment of 'the public interest' within the rational and communicative approaches to planning (Chapter 2) under the socialist and post-socialist / market-economy order. The complexity of this role refers to the variety of domains within local planning practice affected by and / or affecting 'the public interest', as well as the way this has changed over time with the transition from a socialist to market-oriented regime.

The following section will consider the use of the mixed-method approach to data collection and analysis, which has been adopted in order to investigate the main research problem. It will go on to explain the way qualitative and quantitative inquiries contributed to an in-depth understanding of socialist and post-socialist cases of planning 'in the public interest'.

#### **4.4 Mixed-method approach**

The initial stage of this research started off with the content analysis of the planning legislation from the socialist era until today. Specifically, it looked at the legal framework comprising the Law on Expropriation, Law on Planning and Development, and Law on Public Services; generations of city-level General Urban Plans; development policies; and, general literature and critique of socialist and current planning practice in Serbia. This content analysis provided an insight into the local context of planning practice. This initial step enhanced understanding of the following dimensions, that is, the articulation of 'the public interest' within Serbian planning practice as:

- 1) Public land-use and Services of General Interest (SGIs),
- 2) Public participation,
- 3) Expropriation of urban land, and
- 4) The daily planning practice of planning practitioners;

Based on the preliminary findings of the above content analysis on available planning documentation, this study adopted a mixed-method approach to the main part of the research. These methods are intended to enable the research to do four things:

- 1) *Reformulate the conceptual understanding* of the role of the concept of ‘the public interest’ within planning practice; this would be mainly be achieved through qualitative inquiry, but there would also be some testing of the theory through a quantitative approach to the selected cases,
- 2) *Reveal the meaning of certain actions* of the planning practitioners which are claimed to be taken in order to achieve outcomes ‘in the public interest’; this would be primarily a qualitative inquiry, but quantitative evidence would also provide a basic picture of trends and outcomes from both socialist and contemporary practice,
- 3) Obtain data *that highlights the particularities of the local context* in which the research is conducted to enhance contextual understanding and suggest potential generalizability across the field of planning in post-socialist societies; these will be primarily qualitative data, supported by some quantitative data,
- 4) *Triangulate* the rich, deep data obtained from the qualitative analysis with *robust quantitative data* from the selected cases with, in order to obtain a comprehensive understanding of the phenomena researched (Bryman, 2012:408);

While the benefits of qualitative inquiry are reflected in the interpretive approach that will be considered in the next section (Forester, 1999; Landman, 2012), quantification serves not only in the testing some of the theoretical assumptions, but also in providing additional understanding of trends in the treatment of ‘the public interest’ between Serbian socialist and contemporary planning practice, at city and neighbourhood level.

#### **4.4.1 Qualitative inquiry**

Qualitative inquiry was used as the primary method in order to address the main research problem. The qualitative inquiry aimed to reveal the context-rich knowledge of planning practitioners of the role of ‘the public interest’ within planning practice in Serbia. With this in mind, it aimed to explore the way ‘the public interest’ is framed, articulated and experienced within the local context of the city of Belgrade, and within specific case studies. This approach is in line with the phronetic approach, according to which, ‘narrative analysis can illuminate the ways in which individuals experience,

confront and exercise power' (Landman, 2012:28). Hence, the narratives are gathered through qualitative interviews with planning practitioners and some representatives of the general public, as well as through participant observation over the course of several public discussions.

The narratives or 'stories' of interviewees constitute the basis of this research. These narratives highlight a variety of elements at macro-level, by providing examples of planning 'in the public interest'; and at micro-level, by considering the characteristics of specific domains of planning practice. Using these 'stories' as a basis, the research holds the potential to provide an in-depth understanding of the context in which the social phenomenon in question is articulated, as well as the ways this articulation occurs (McLellan et al., 2003:67).

The narratives aim to provide a 'close reading of events with detailed and often time-unique accounts from which large impressions can be drawn' (Landman, 2012:32). In the case of this research, these events relate to the experiences that planners face on daily basis while dealing with the variety of interests within the procedures of planning 'in the public interest'. Besides considering the issues of the contemporary practice, the research obtained another dimension that reflects the retrospective account of the socialist planning practice seen through the eyes of planning practitioners who worked in that era.

Moreover, their stories allow for certain events to be captured in ways that are not available through other methods and, as such, maintain the 'human element'. These are considered within the narratives on specific events, dealing with the variety of interests, collaboration between the representatives of different institutions that are responsible for implementing 'the public interest' from plan, or, for example, discussions with other interest groups in the planning process.

Finally, the narrative approach applied in this research enabled the researcher to

'...uncover perceptions, experiences and feelings about power, relations and institutionalized constraints as they are confronted [or not] through social and political engagement.'

(Landman, 2012:32)

This point is particularly important in relation to the ethics and ‘political sensitivity’ of the proposed research problem, given that the ethical judgments are an inseparable part of planners’ daily practice:

‘like it or not, they are practical ethicists; their jobs demand that they make ethical judgments – judgments of good or bad, more valued and less valued, more significant or less – continually as they work.’

Forester (1999:31)

Therefore, the qualitative interview was adopted as a method that could provide an in-depth understanding of variations in how ‘the public interest’ is framed, articulated and experienced from the perspective of planning practitioners as practical ethicists.

Besides the interview, the qualitative inquiry also included participant observation at two public meetings concerned with the contemporary case study of the Belgrade Waterfront project. The researcher had an opportunity to follow up the plan preparation and adoption stage of the project. The data facilitated an important complementary insight into contemporary planning practice by allowing the researcher to consider the attitudes of both planning practitioners and interested public representatives towards some aspects of a project that is legally characterised as ‘in the public interest’.

In the case of the Belgrade Waterfront development, public meetings included planning professionals, both those involved in plan preparation and those opposing the plan, investors, government representatives and the general public. Being present at these meetings meant the researcher had the opportunity to witness and recognise the value of those types of conversations Forester describes as ‘very rich, morally thick and politically engaged’ (Forester, 1999:29). Both public meetings included sessions where speakers presented their arguments, followed by questions from the audience and further debate. The researcher adopted the overt role as an observer in a public setting (Bryman, 2012:433). This meant exposing the nature of attendance at the public meetings if any of the participants were interested.

#### **4.4.2 Ethical considerations**

Having worked in planning herself, the researcher acknowledges that the work of planning practitioners involves sensitivity, ‘judgements of good and bad’, as well as issues in handling a variety of interests (e.g. political, economic) in relation to ‘the public interest’. In that sense, it was important to state that the proposed research is

aware of certain ethical dilemmas at the level of ethnography, in the interpretation of meanings that participants may not have intended to reveal (Fine et al., 2000). It was therefore assumed that it would be inconvenient to conduct the research in any other setting than in one-to-one interview.

One-to-one communication through interview was desirable as it would allow the interviewees to speak openly about certain sensitive subjects related to ethics, political issues and moral dilemmas. Therefore, the researcher assumed that participants would feel more comfortable within the setting of an informal, open-ended individual interview than, for example, focus group or group interview. Some of the main ethical principles employed in this research involved being completely honest about intentions and the purpose of research, so as to obtain informed consent and avoid the invasion of privacy.

A couple of days before each interview was conducted, the interviewees were sent an informed consent form with detailed explanations on the subject of the research (Appendix 1). The researcher aimed to explain honestly, clearly, openly and in a 'simple language' the purpose of the research and issues that revolve around the main research problem as well as sub-questions to the interviewees. Secondly, the researcher provided an informed consent form to each interviewee that explained their right to anonymity and possibility to withdraw from interview at any moment (Appendix 2). Thirdly, the researcher aimed to act in a sensitive fashion during interviews by asking questions in a manner that would not invade the interviewee's privacy. This meant that the questions revolved strictly around the dimensions of their planning practice (Appendix 3a and 3b) rather than their ethical principles, judgements and possible influences to their decisions. The interviewees were left to decide themselves if they wanted to discuss such issues. Finally, the researcher kept and analysed the obtained data in closed setting where no one but the researcher had any insight into the identity of the interviewees, or the institutions in which they are employed. The researcher offered interviewees the transcripts of their interviews, so they could make changes if required. In writing up the results, both within this thesis and any associated publication, the anonymity of respondents is maintained.



#### **4.4.3 *The sample for qualitative inquiry***

The qualitative inquiry was conducted with planning professionals from the public and private sector, international planning consultancies and non-governmental organisations, as well as other the members of the public. The sample is selected based on the purposive sampling strategy (Bryman, 2012), or what Marshal (1996) calls judgmental sampling where the researcher actively selects the most productive sample to answer the research questions. Additionally, the choice of the interviewees was extended based on a snowball sampling strategy.

According to Petovar (2008), what is ‘in the public interest’ is within the public realm in the case of post-socialist Serbia, or, in other words under the jurisdiction of the government / public sector. The researcher thus first aimed to select interviewees from all the public institutions that deal with planning in Belgrade. The sampling process began with the public institution that was in charge of preparing most of the plans on the territory of Belgrade since socialism - The Urban Planning Institute of Belgrade. As the researcher has had an opportunity to be employed by the Urban Planning Institute of Belgrade, it was a fairly straightforward procedure of contacting the director of the institution and former colleagues, and arranging the interviewing process from there. The snowball sampling strategy directed the researcher towards the individuals working in other public, private, international and non-governmental organisations that experience planning practice in Belgrade on daily basis.

As Flyvbjerg (2006) explains, purposeful and not random sampling is one of the features of the phronetic approach. For the purpose of addressing the main research problem, it was necessary that the interviewees possessed an intimate knowledge of the local context in which ‘the public interest’ is shaped and articulated. Therefore, several preconditions were necessary when choosing the sample:

- 1) All of the interviewees from the public sector had to possess experience working in the public, private, NGO sector and / or international consultancy,
- 2) At least some of the interviewees had to possess experience working within both socialist and post-socialist planning, which means they had to have at least 25 years of experience in urban planning in Belgrade,
- 3) Representatives of the public sector had to possess at least some experience in the planning of public land-use and SGIs within plans on city and

neighbourhood-level,

- 4) All interviewees had to possess at least some experience in conducting public hearings and communicating with stakeholders of different interests (e.g. private investors, general public, representatives of other public enterprises, etc.),
- 5) At least some of the interviewees had to have experience with the procedures of urban land expropriation,
- 6) At least some of the interviewees had to have experience working as members of the Planning Commission – the institution responsible for the adoption of plans in the territory of Belgrade.

Based on these purposeful sampling criteria, it was expected that all of the planning practitioners included in this research would possess significant experience in collaborating with different public and private planning institutions. Therefore, according to Flyvbjerg's (2006) definition, these practitioners could be characterised as experts within their field as they possess the intimate familiarity with the local context and are able to perceive and elaborate their daily practice of dealing with a variety of interests. Hence, the analysis of qualitative findings would allow the researcher an insight into and understanding of role of the 'public interest' within such practice.

The qualitative inquiry also included interviews with some representatives of the general public, and for the purpose of considering the articulation of 'the public interest' within the neighbourhood-level cases of socialist Block 23 and the contemporary Stepa Stepanović. This part of the qualitative inquiry was aiming for additional explanations on the articulation of 'the public interest' in planning through the 'eyes of residents', as both cases are legally characterised as large-scale social and non-profit housing developments with complementary SGIs. For the purpose of this research, the researcher interviewed four inhabitants of each neighbourhood. It should be mentioned that some of the planning professionals are inhabitants of New Belgrade blocks, too. The aim of this inquiry was to investigate the inhabitants' perception of everyday life in a neighbourhood constructed 'in the public interest'. The interviewees were selected on a purposeful and later snowball sampling basis, with the initial contacts being made through the researcher's personal connections. The criterion for purposeful sampling was based on the following preconditions:

- 1) Interviewees had to have at least five years of experience living in socialist development Block 23 and three years in Stepa Stepanović, as the contemporary

neighbourhood was completed in 2012/13,

- 2) Interviewees were from different age groups and marital statuses in order to consider a variety of needs in relation to the use of public and non-profit services.

In order to protect the anonymity of the participants given the sensitivity of the subject, the researcher does not reveal the name of any participant or their relation to any of the organisations, but addresses the interviewees based on their sector of employment, while the residents are marked as general public representatives (GP). The public sector included twenty interviewees from the Ministry of Construction, Transport and Infrastructure of Serbia, the Republic Agency for Spatial Planning of Serbia, the Secretariat for Urban Planning and Construction of Belgrade, the Development Directorate of Serbia and the Urban Planning Institute of Belgrade. There were four private sector interviewees; three international planning consultancy interviewees; two interviewees from non-governmental organisations and eight members of the public (Table 4.1).

Sector	Institution	No. of interviewees
Public (referred to as PS)	Ministry of Construction, Transport and Infrastructure of Serbia, Republic Agency for Spatial Planning of Serbia, Secretariat for Urban Planning and Construction of Belgrade, Development Directorate of Serbia, Urban Planning Institute of Belgrade;	22
Private (referred to as PP)	- (anonymity)	4
Non-governmental (referred to as NGO)	- (anonymity)	2
International Consultancy (referred to as ICR)	- (anonymity)	3
Residents of neighbourhood cases (referred to as GP)	- (anonymity)	8

Table 4.1: The sample for qualitative strand

#### **4.4.4 Interviews**

The success of the qualitative research strand depended upon asking the right questions in an effective and clear manner, analysing and interpreting the findings clearly, and (finally) employing adequate methods to analyse data in line with the theoretical

background of the study (Roulston, 2010:202). Therefore, the semi-structured interviews were conducted within a fairly open framework which allowed for focused communication between the interviewees and researcher. Since the semi-structured interviews contained open-ended questions where discussions might possibly diverge from the interview guide, the interviews were recorded to provide the transcript for analysis. All of the interviews were conducted, recorded, transcribed and manually analysed by the researcher. This was done in Serbian, with the main themes, notes on analysis and key quotes translated into English.

The interviews were conducted on a one-to-one basis. In the researchers' opinion, as suggested above, this contributed towards the interviewees' confidence in the interviewer, as well as openness and honesty when talking about certain subjects that they might not feel comfortable discussing in front of their colleagues. As discussed earlier in this chapter, and in line with ethical considerations, the questions with planning practitioners were mainly organised around the domains of planning practice where 'the public interest' is articulated: public land-use and SGIs, public participation, expropriation of the urban land, daily practice experiences when handling different interests (Appendix 3a). To go into slightly more detail, the researcher was looking for an in-depth insight into the following issues under each of the above headings:

- 1) The treatment of 'the public interest' when planning the public land use, that is, use of land for SGIs and public enterprises. This includes meeting norms and standards for public land-use at different planning levels; meeting the requirements and standards of SGIs obtained from public enterprises,
- 2) Handling the process of public engagement, as a means for the general public and relevant stakeholders to express their interests,
- 3) Handling the process of expropriation of the ownership of land, given that expropriation over urban land can be performed only if the planned development is 'in the public interest',
- 4) Treatment of 'the public interest' through the everyday practice and ethics of planning professionals. This entails examining how professionals engage with problems and contradictions when planning in 'the public interest'; handling other interests besides 'the public interest' within the decision-making process; and reconciling different interests, including exploring the possibility for consensus;

The questions for interviews with inhabitants of neighbourhood-level case-studies (Appendix 3b) were organised around the following dimensions:

- 1) The availability, accessibility and quality of public and non-profit land-use and SGIs in their neighbourhoods;
- 2) The way sufficient / lack of public land-use and SGIs affects their daily routine;

Besides providing rich data on the identified dimensions of planning practice and their relation to 'the public interest', most of the interviewees offered their own insights into additional sub-dimensions that are affected in their daily practice. Beyond the expectations of the researcher, most of the interviewees expressed an enthusiasm to talk about their work, saying that *'this was the first time someone asked us to give our own opinion on things that matter in our profession'* (PS 7). Moreover, a number of planning professionals came to the interview with prepared notes, or planning documentation which, in their words, *'...might help the researcher in understanding the ways 'public interest' is expressed in plans, and what it [really] means'* (PS 12, emphasis added).

In order to stay in line with the ethical code of conduct and to avoid invading their privacy, interviewees were asked to talk only about the previously identified dimensions of planning practice. However, most of them did reveal their perceptions on politically sensitive subjects, including issues of other interests aiming to override 'the public interest', as well as economic, political and other 'pressures' they face on a daily basis, and moral dilemmas they encounter when dealing with various 'difficult' situations in 'fighting for the public interest'. They also pointed out examples of socialist and post-socialist examples of 'planning in the public interest'. The obtained narratives testify the value of what Forester describes as

*'...[the] moral work of constructing character and reputation [of oneself and others], political work of identifying friends and foes, interests and needs, and the play of power in support and opposition, and most important deliberative work of considering means and ends, values and options, what is relevant and significant, what is possible and what matters, all together.'*

(Forester, 1999:29)

The depth and richness of the narratives affected the researcher's understanding of a variety of perspectives, as well as obligations each interviewee faces on a daily basis. Moreover, their 'stories' provided evidence that the role of the 'protectors of the public

interest’ is generally more desirable than that of ‘value-neutral advisors’, within the constraints and possibilities of adapting planning practice to the free-market economy.

Due to the fairly large sample of planners and the interviewees’ enthusiasm on the subject of the research, the fieldwork stage provided a considerable amount of qualitative data. This data required an appropriate analytical framework in order to grasp the essence of narratives in relation to the main research problem, as well as sub-questions therein. The following section will briefly consider the framework for analysis of qualitative data, while the in-depth analytical framework is presented in the Chapter 5.

#### ***4.4.5 Participant observation***

After conducting several interviews with planning practitioners that highlighted the Belgrade Waterfront as a possible example of planning ‘in the public interest’, the researcher decided to employ the method of participant observation by attending two public meetings concerning development. These meetings were suggested by interviewees, too.

Bryman (2012:435) states that one of the main issues in ethnographic research is the access to the settings of interest. Access did not represent an obstacle for the researcher since both meetings were open to the public. These meetings were in the first instance a public hearing for the purpose of adopting the ‘Spatial Plan of Special Purpose Belgrade Waterfront project – a ‘project of public and national interest’ (hereafter PD 1), and secondly, a public debate on the ‘Implications of the Belgrade Waterfront project’ organised by the NGO ‘Ministry of Space’ (hereafter PD 2). Both public meetings were important for the research as the researcher had the opportunity to pursue this case study within a ‘live’ setting. It enabled the researcher to experience first-hand debates, collaboration, discussion and complaints from various participants in the process. This led to an enhanced understanding of the research problem, as well as the possible articulation of ‘the public interest’ as a criterion for empirical research within the given local context.

The number of participants varied between these two meetings. The public hearing session was attended by approximately 700 participants and representatives of the general public, the professional public (individuals and representatives of various

architectural, planning and environmental organisations), private investors, planning professionals included in the plan preparation as well as the ones opposing the development, political party representatives, and others. The plan was presented by the leading planning professionals involved in the plan preparation. The second meeting took the form of a public debate and was attended by several hundred participants from various sectors (the general public, representatives of student organisations, NGO representatives, and others). The speakers were university professors as well as architects and representatives from the organization 'Transparency Serbia' who were explaining the different social, economic and environmental implications of Belgrade Waterfront project.

Participant observation was a valuable complement to the qualitative interview. It provided an opportunity to develop greater *phronesis* on some of the procedural aspects of the Belgrade Waterfront project as one of the identified cases of 'planning in the public interest'. The researcher here witnessed and recognised the value of the type of conversation that Forester (1999) describes as rich, morally thick and politically engaged. Later, these insights contributed to the narratives that led to an in-depth understanding of the contemporary context where the concept of the 'public interest' is articulated.

Besides having an opportunity to conduct participant observation as part of the research on the Belgrade Waterfront case, the researcher regularly monitored a Facebook page of the NGO 'Ministry of Space' and followed the progress of Belgrade Waterfront project in a daily newspaper online. Moreover, the researcher discovered a website in the form of public online discussion forum of the residents in Stepa Stepanović neighbourhood as a valuable source of qualitative data ([www.stepa.rs](http://www.stepa.rs)). Here, residents share experiences and concerns about some of the communal issues such as organizing public protests, the availability of SGIs, neighbourhood safety, public transport, the quality of materials used in the construction of the flats, technical issues, as well as possibilities to apply for tax returns, and many other themes. Although these sources serve as complementary data in this research, the written narratives on the website reveal various rich and thick descriptions of the ways 'public interest' is manifested from the eyes of residents.

#### 4.4.6 Analysis of qualitative data

In coding the narratives, the researcher employed a thematic approach (Bauer, 1996). The second in-depth stage of the data analysis adopted an axial method (Bryman, 2012:569) where the identified dimensions of the planning practice were coded in line with the possible roles of ‘the public interest’, as presented in the table 4.2 and further elaborated in Chapter 5. The possible roles of ‘the public interest’ in planning were derived from Alexander’s (2002) definition where ‘the public interest’ is articulated as a legitimizing notion, a norm for planning practitioners and a criterion for evaluation of plan. During the analysis of interviewees’ narratives, researcher recognized an additional role where ‘the public interest’ serves as a criterion for preparation of plan. This is further elaborated in chapter 5. Table 4.2 shows that potential roles of ‘the public interest’ were identified within all four dimensions of Serbian planning practice.

Roles/Dimensions	Public land-use and SGIs	Expropriation	Public engagement	Daily practice
Legitimising notion	+	+	+	+
Norm for practitioners	+	+	+	+
Criterion for plan preparation	+	+	+	+
Criterion for plan implementation and evaluation	+	+	+	+

Table 4.2: Framework for coding qualitative data

Narratives, as a fundamental form of empirical information, provide the opportunity for different levels of analysis - linear, relational, emotional and analytical (Landman, 2012:30). Here, the initial, linear level of analysis considers the possible roles of ‘the public interest’ as articulated within the identified domains of the planning practice. Secondly, the relational level of analysis aimed to reveal the relationship between the interviewees and other actors in the planning process, as well as with the nature of local context in which the planning practice operated. The third, emotional level of analysis aimed to provide a subjective understanding of the events as they have been experienced by the participants, where they discuss the issue of ethics and ‘right and wrong’ within their daily practice. Finally, the analytical level provided the researcher’s perspective on the findings obtained. Here, the researcher aimed to draw attention to other narratives, debates and contextual framework, as well as other data obtained from content analysis (based on Landman, 2012:30-31).



Besides providing the possibility of re-evaluating the initial theoretical stand on the changing role of ‘the public interest’ in planning practice, the qualitative analysis provided greater understanding of the specific cases within Serbian socialist and contemporary planning practice as a contextual framework for investigation based on the phronetic approach. Additionally, this research employed quantitative strand, as described in the next section.

#### ***4.4.7 Quantitative strand***

The quantitative analysis followed from the qualitative inquiry. It served as a secondary and complementary method of distinguishing the articulation of ‘the public interest’ within Serbian planning legislation, expressed through plans at city and neighbourhood-level. As the interviewees frequently pointed out specific cases of ‘planning in the public interest’, chiefly involving public land-uses and / or SGIs, the researcher aimed to provide complementary data from planning documents in order to enable the triangulation of findings where possible.

Besides confirming or rejecting some of the findings from the qualitative inquiry, the quantitative analysis served as a complementary method of understanding the articulation of the public interest within plans. The researcher made certain assumptions, in particular that:

- 1) Quantitative inquiry would provide more consistent data on the procedures of plan preparation for contemporary cases as opposed to the socialist ones, due to the time-distance of the developments in the case-studies, and that
- 2) Qualitative inquiry would provide more consistent data on implementation and outcomes of socialist planning practice as opposed to the contemporary, as some of the contemporary cases are still in the development phase.

From these assumptions, it may be inferred that sound data obtained from quantitative analysis would provide a fuller picture of the articulation of desired outcomes of both socialist and post-socialist practice as considered in the plans; and also that official reports on some of the procedural domains of socialist and post-socialist practice of planning ‘in the public interest’ may also add to this picture.

#### ***4.4.8 The sample for quantitative analysis***

The researcher derived the sample for the quantitative inquiry from the qualitative findings. As the interviewees often highlighted socialist and post-socialist examples of

‘planning in the public interest’, the researcher intended to collect the available planning documentation on both city and neighbourhood developments. The quantitative inquiry was aimed at presenting the trends of increase / decrease of balances, norms and standards for public and non-profit land-use at city and neighbourhood-level, from the socialist era until today.

All of the cases that are identified for the purpose of this research are characterised in legal / planning terms as being ‘in the public interest’, particularly with regards to the Law on Expropriation and *Lex Specialis* (see Chapter 2). In the socialist cases this means that the developments were non-profit and developed by the State, while the contemporary cases required some changes within the legal framework, as discussed in Chapter 6.

Both socialist cases involve large-scale public housing, or administrative and SGI developments, while the contemporary cases consist mainly of housing and commercial activities. It should be pointed out that housing during socialism was considered non-profit public land-use before the privatisation of public housing stock in the 1990s (as elaborated in Chapter 3).

Nevertheless, the quantitative analysis of this research was concerned with trends of the reduction or increase of the norms for housing, such as minimum flat standards, green space standards, etc., where the ownership status did not represent the criteria for sampling. Therefore, the quantitative analysis in both city and neighbourhood cases aimed at understanding the following dimensions of the treatment of the public interest in plans:

- 1) Housing (formerly non-profit, and contemporarily for-profit, but both characterised as ‘in the public interest’);
- 2) Other public and non-profit land-use and SGIs, including schools, kindergartens, social protection, green and free spaces, playgrounds, health services, and others.

#### **4.4.9 Analysis of quantitative data**

The balances and norms for public land-use for the city-level cases, the socialist New Belgrade and the contemporary Belgrade Waterfront are presented in city-level plans – the General Urban Plans of 1950, 1972, the Amendment of the GUP in 1985, 2003, and

the Amendment of the GUP in 2014. Balances are presented in the form of percentages required for each public land-use, while norms are in a form of square metres per inhabitant, as a minimum that has to be respected in the development. The purpose of this analysis was to consider the trends in the treatment of ‘the public interest’ as public land-use in plans at city level.

As both neighbourhood-level cases are legally characterized as ‘in the public interest’ due to the non-profitable character of housing and planned public infrastructure and SGIs, the quantitative analysis also included comparative analysis at neighbourhood level - by considering the trends of treating norms and parameters for public land-use. The table 4.2 below represents the analytical framework for the quantitative analysis of city and neighbourhood-level cases.

In addition to complementing the qualitative inquiry, this analysis aimed at a more accurate understanding of the treatment of norms and parameters for land-use ‘in the public interest’ on a smaller scale of development, in addition to city-level cases. It should be mentioned that the manner of analysing quantitative data in this study is confined to relatively simple descriptive analyses, i.e. no elaborate statistical modelling.

Domains of the public interest in planning practice	Which documents are analysed?	How?	Institution	Research Methods
Public land-use	-GUP and SPSP (city-level) -DUP and UP (neighbourhood-level)	Content analysis of plans; Quantification of norms and standards;	UPI	Quantification of city and neighbourhood norms for public land-use;
SGIs	-GUP and SPSP (city-level cases) -DUP and UP (neighbourhood-level cases)	Content analysis of plans; Quantification of standards, norms; Land-use regulations;	UPI SUP	Quantification of city and neighbourhood norms for public land-use;
Public participation	-GUP and SPSP (city-level cases) -DUP and UP (neighbourhood-level cases)	Content analysis of plans; Content and quantitative analysis of dismissed/accepted complaints of the citizens during the public hearing;	UPI SUP	Content/quantitative analysis;
Expropriation of urban land	-Law on Expropriation	Content analysis of legislation	DD MF MCUD	Content /quantitative analysis;

GUP - General Urban Plan; DUP - Detailed Urban Plan, SPSP – Spatial Plan of Special Purpose; UP – Urban Project; UPI - Urban Planning Institute; DD - Development Directorate; SUP - Secretariat for Urban Planning; MCUD - Ministry for Construction and Urban Development; MF - Ministry of Finance;

Table 4.3: Framework for analysing quantitative data

It can be concluded that in the case of mixed-method approach to case study research on the changing role of 'the public interest' in Serbian planning practice, quantitative inquiry can contribute positively towards qualitative research in a number of respects. Firstly, it provides additional contextual understanding of the researched domains of the planning practice in line with the phronetic approach. Secondly, it provides a solid ground for triangulation, or, cross-checking the domains of the planning practice that are articulating the public interest in plans through norms for public land-use and SGIs. Thirdly it makes for completeness, by considering some aspects of planning practice that could not be reached through the qualitative interview or participant observation. Fourthly, it clarifies the process within a more exact time-line, in this case providing an understanding on the exact planning era through norms and parameters in plans. Finally, it may reduce bias and provide some additional credibility for the research, bearing in mind the comments of Bryman (2014:644) on the rationale for mixed-method research where the 'emphasis tends to be upon the symbolic virtues of the approach in terms of its capacity to bestow legitimacy on the research and its outputs' (Bryman, 2014:644).

#### **4.5 Possible limitations of the research**

The methodological framework includes both qualitative and quantitative research and analysis based on a phronetic approach that 'focuses on real-world problems and then use however many different methods of study and forms of data collection necessary to study those topics as best they can' (Schram, 2012:21). A mixed-method approach is often criticised for addressing the research problem from two opposing epistemological standpoints. While qualitative research aims to build a theory through the interpretation of qualitative data, quantitative approaches tend to test the existing theoretical ground (Bryman, 2012). However, as Webb et al (1996) state, these two theoretical stances do not necessarily annul each other, as there is more than one way to 'measure' the concept in question, thus improving the chances of validity, reliability and the possibility of generalisation. Hence, the goal of mixed-method research is not to replace either the quantitative or qualitative approach, but rather to draw from the strengths and minimise the weaknesses of single case research studies (Johnson & Onwuegbuzie, 2004).

As mentioned before, another critique pertaining to the case study approach concerns the lack of possibility for generalisation due to the context-specific nature of the research, meaning that local contexts might largely differ to other contexts. However, one can only become an expert and generalise based on a knowledge obtained by

dealing with many single cases rather than textbook general knowledge on the subject (Flyvbjerg, 2006). Hence, it can be concluded that a purposeful sampling strategy, gaining the context-dependent knowledge on socialist and contemporary neighbourhoods and city-level cases of planning ‘in the public interest’, as well as enhancing the context-independent knowledge on theoretical interpretations on the roles of ‘the public interest’ in planning practice - increases the validity of the research, as well as possibility for generalisation beyond the context of these specific cases. Only then, as Landman (2012) states, can

‘...contextually informed knowledge based on a phronetic approach [...] move beyond cases under investigation and provide generalisations that are helpful for solving political problems in other contexts.’

Landman (2012:27)

Finally, there is a danger of bias in the adopted methodological approach that is heavily based on an interpretive strategy, which assumes ‘that is more important to arrive at understanding how the social world is subjectively experienced and interpreted by people’ (Schram, 2012:22). As the researcher grew up and worked in the same environment as the interviewees, there was a possibility of reflective action in adopting some of their stands when analysing qualitative data and drawing conclusions. As one way to minimise chances for bias, this research employed the quantitative inquiry in order to verify / reject the obtained qualitative findings in relation to the sound quantitative data on standards and norms for treating the public interest in plans - from socialism until today.

#### **4.6 Concluding remarks**

This chapter aimed to elaborate the adopted in-depth problem-driven mixed-method case study approach to the research of planning practice. In addition to seeking to provide a rationale for the adopted approach, it offered some reflection on the possibilities of operationalizing a phronetic approach to the context based research of Serbian planning practice in relation to the treatment of ‘the public interest’.

The value of *phronesis*, as a methodological approach to planning research, is recognized in providing justification for conducting the specific methodological ‘pace and rhythm’ of this study. The interviewees were thus involved in identifying possible cases of planning ‘in the public interest’. In the researcher’s opinion, this ‘spontaneous

methodological action' contributed the possibility of not only considering the social and urban phenomenon in question, but also directing the research towards some of the actual concerns and interests of participants. Hence, the dominant source of evidence in this research was gathered through an interpretive approach, where the researcher was part of the local setting (Forester, 1999; Fischer et al., 2007:407). Since I grew up in Belgrade and worked in the Urban Planning Institute of Belgrade, it felt like I was already the part of the research context. Therefore, complying with ethics and mitigating personal bias was not easy to achieve.

As a Serbian who has lived in the UK for four years now, there were occasions where I felt a degree of prejudice towards the country of my birth and was drawn into discussions where I had to explain that Serbia and Serbians are not all about 'war'. Accordingly, it was necessary for me to acknowledge the danger of my personal potential bias in an attempt to contradict these prejudices and hence present Serbian planning practice in a 'bright light'. With that in mind, I was also worried that my interviewees would not feel comfortable talking about issues of Serbian planning practice to me, as I was no longer an 'insider' but a researcher from a foreign university who could contribute the 'bad image' of Serbia internationally.

My fears were somewhat justified during the very first interview I conducted. The interviewee expressed their concerns that I might present Serbian planning practice in a 'bad light', and it therefore seemed they only wanted to talk about 'good stuff'. I decided to turn off the recorder and conduct a friendly chat instead of an interview, as I was aware that any data obtained would be coloured with bias. After this initial failure, I was worried about how future potential 'story tellers' would react to my intentions to interview them. Luckily, most of my doubts vanished after I conducted the second interview.

In the next interview, I was warmly welcomed by a former colleague as an insider, rather than an outsider. This senior planner was, in their words, excited to be able to talk about his practice. The majority of other participants of this research reacted in the similar manner. The reason for their kind welcome might have been related to the snowball sampling strategy where my initial contacts were made through my former colleagues, as well as a family friend who was not interviewed in this research for ethical reasons.

After the first ‘unsuccessful’ attempt to conduct an interview, my interviewees responded generously and honestly in all further general discussions related to this research. A couple of senior planning professions seemed quite nervous at the start of the interview, saying that no one had ever asked them to talk about their practice, and that they felt honoured to be part of this research. Some of them brought plans, documentation and other materials to our meetings, to help me better understand their points of view. Overall, I would describe most of my interviews as discussions between friends, where people revealed their thoughts, fears, assumptions and emotions, passion for their work and ambiguities they deal with in their everyday practice. Only one planning professional initially declined an invitation to participate in an interview. However, after chatting to their colleague with whom I conducted an interview earlier that day, I obtained an apology and answers via email.

Due to the sensitivity of the obtained data, I was aware that I had to take special care of it not only in terms of keeping it safe, but also analysing and presenting it in a manner that would not allow any of my interviewees to be identified. Moreover, it was necessary to acknowledge the possibility for bias at the very beginning of the research process and aim to maintain a critical approach based on evidence, throughout all stages of this research. My non-Serbian supervisors thus played an important role by constantly questioning every potentially biased position that I might hold during and after the analysis of interviewees’ stories.

## Chapter 5 Analytical framework

### 5.1 Introduction

This chapter will consider some features of the adopted analytical framework for understanding the changing role of ‘the public interest’ within planning practice in Serbia. It will present an outline of the thematic analysis through ‘basic’, ‘organizational’ and ‘global’ themes (Zlatar, 2013:17), as well as how the initial framework for considering potential roles of ‘the public interest’ in planning was reframed. Additionally, it will aim to provide an insight into how the case study structure will reveal the answers to the key questions.

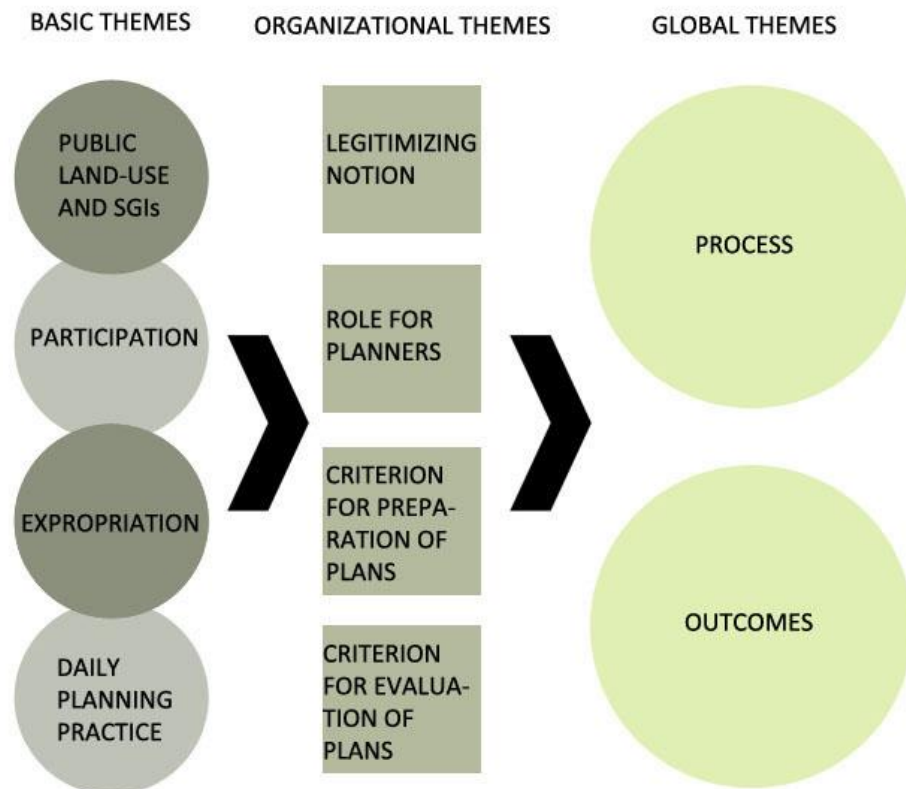


Figure 5.1: Basic, organizational and global themes

The analytical framework for the proposed research is based on a three-dimensional thematic analysis (Strauss & Corbin, 1990; Bryman & Burgess, 1994; Zlatar, 2013). Firstly, the analysis of qualitative data was looking for basic themes which represented the initial recognition of the articulation of ‘the public interest’ in Serbian planning practice (Chapter 3). These dimensions were previously defined through content analysis of Serbian planning legislation on the:



- a. Planning of public land-use and SGIs
- b. Expropriation of land
- c. Public participation
- d. Daily planning practice in advocating for 'the public interest'

This stage of data analysis provided an initial overview of the possibilities for the operationalization of 'the public interest' within the local context of planning practice in Belgrade, and specifically on the cases that were derived from interviews for the purpose of this research.

Secondly, organizational thematic analysis was employed in order to identify possible roles of 'the public interest' in planning practice in Serbia in line with the four dimensions identified above (figure 5.1). Analysis followed the theoretical standpoint set by Alexander (2002) who proposed the following roles for 'the public interest' in planning:

- 1) A legitimizing notion,
- 2) A norm for planners, and
- 3) A criterion for plan evaluation.

However, after a content analysis of Serbian planning legislation and policies as well as basic analysis of data obtained from the interviews, this initial position was re-evaluated. This re-evaluation was based on the notion that some of the dimensions of Serbian planning practice where 'the public interest' is articulated (a,b,c,d) are not 'covered' by the proposed set of roles by Alexander (2002). This means that dimensions such as public participation, expropriation of land and / or planning of public land-use and SGIs can be regarded as more 'procedural' aspects of planning which are not addressed in Alexander's definition on the possible roles of 'the public interest'. Alexander's conceptualisation was therefore adopted and reframed, and the following additional set of roles were proposed:

- 1) A legitimizing role,
- 2) A norm for planning professionals,
- 3) A criterion for plan preparation, and
- 4) A criterion for plan implementation and evaluation.

By looking at these organizational themes, the case study analysis could potentially answer the main question of this research, which is concerned with the changing role of 'the public interest' in planning practice in Serbia.

The final step in analysing and presenting qualitative and quantitative data is concerned with the global themes that were identified as the:

- 1) Processes of the planning system and
- 2) Outcomes of planning ‘in the public interest’.

By looking at these global themes, this research could potentially provide an in-depth understanding on the procedural measures to assure that ‘the public interest’ is achieved, as well as the way it is articulated in the outcomes of the built environment. These findings could potentially testify to changes in the role of ‘the public interest’ by comparing and contrasting socialist and post-socialist process and outcomes in relation to the treatment of ‘the public interest’. In addition, the triangulation with quantitative analysis of city and neighbourhood level plans could provide a solid evidence of the changes between the socialist and post-socialist treatment of norms and standards for planning ‘in the public interest’.

Finally, considering the process as well as the outcomes of planning practice might provide an understanding of whether and how the existence, or lack thereof, of ‘the public interest’ in the process necessarily implies a corresponding existence, or lack thereof, of ‘the public interest’ in the outcomes of planning practices. It is expected that these findings could later contribute towards a re-examination of the theoretical standpoints regarding the treatment of ‘the public interest’ within the rational and communicative approach to planning (Chapter 9).

While Chapter 3 provided some understanding of how this research derived basic themes for data analysis, this chapter will aim to provide greater insight into the organizational themes, or, identified roles of ‘the public interest’ within planning practice in Serbia. This will be illustrated with some of the interviewees’ narratives. As such, this chapter will provide a contextual basis for the following stage of the case study analysis, which is concerned with the global themes of process and outcomes of planning ‘in the public interest’ (as in figure 5.1).

## **5.2 ‘The public interest’ as legitimizing notion**

Campbell and Marshall (2000:308) state that the concept of ‘the public interest’ is often used to ‘cast an aura of legitimacy’ over the final planning decision, especially in those cases where there still might exist significant areas of disagreement. Within the local Serbian context, the legitimizing role of ‘the public interest’ in planning is, according to

most of the interviewees in this research, *'particularly important and inevitable'* (PS 12). Here, the role of the State and the legal framework in providing legitimacy to certain planning decisions are often mentioned within both socialist and contemporary cases of planning 'in the public interest'. It is suggested that, regardless of the ruling ideology, the 'legal veil' of 'the public interest' serves to legitimize planning decisions that are in line with the interest of powerful decision-makers, whether or not they are in the interest of general public. However, it should be mentioned that the interests of the powerful can, but need not always, be against 'the public interest' (Vujošević & Petovar, 2008).

The legitimizing role of 'the public interest' was identified as a particularly important theme within the debate of 'who decides what is in the public interest' (Chapter 6). As Petovar and Vujošević (2008) put it, the public legitimacy of certain interests implies that the community has developed a widespread belief about the acceptability of those interests within a certain set of values and rules. However, they also argue that public acceptability is regulated by the framework that is provided by the ruling ideology and its set of dominant norms, where the legitimacy of planning decisions could be questioned if it does not manage to satisfy certain basic expectations and meet the needs of community (Petovar & Vujošević, 2008). It can thus be questioned whether 'what is in the public interest' represents a reflection of the actual interest of general public, or whether is it regulated solely in line with the ruling ideology, their values and norms. This debate will be further discussed in Chapter 6, while this section will present some initial findings on the legitimizing role of 'the public interest'.

When asked to explain if and how they perceive 'the public interest' as a criterion for decision-making in their daily practice, one interviewee explained:

*'Traditional planning served to protect 'the public interest' [which means public property, public goods and public services] and was presented as a form of public land-use within the plans... That is not the case anymore. Public interest is more of a declarative than a real criterion for making decisions, with the term 'in the public interest' often acting as a cover for the commercial interests that are under the protectorate of the government.'*

(ICR 2, emphasis added)

From a legal perspective, the term 'the public interest' is related to the planning and development of public land-use within the Law on Planning and Construction and Law

on Expropriation (Chapter 3, section 3.5). The Law on Expropriation in Serbia from 1973, 1984 and 2003, has shown the major deviations of what legally used to be ‘in the public interest’. At the time of socialism all public, commercial and housing development conducted by the State could require the expropriation of land and as such was legally considered to be ‘in the public interest’. Today, this action can be completed only if future land-use is public and non-profit, such as social housing, infrastructure, and services of general interest - SGIs. Therefore, during socialism all development was ‘by default’ legitimized as ‘in the public interest’ due to the State’s comprehensive economic intervention and control of the market. Today, the land can be expropriated, or compulsorily taken from a private owner, who is compensated with a fee that is equal to the market value of his property, only if the new development is within the realm of public and non-profitable land-use, as defined in Article 20 of Law on Expropriation (2013).

Nevertheless, recent examples in Serbian planning practice show various attempts to overcome the formal legal framework in order to expropriate land for the purpose of developing commercial and profitable land-use, outside of non-profit purposes. Here, the term ‘in the public interest’ serves to provide legitimacy for planning decisions that might be characterized as ‘in the economic interest of (some part of the) local community’, or more narrowly still, of a particular private investor, rather than in the interest of the general public. One interviewee discussed an example of such practice:

*‘The interest of the local community is not the same as the public interest as defined by the Law on Expropriation. What does this mean? For example, a private investor wants to develop a factory. That is of interest for the local community because it will create jobs, but that does not mean he can manipulate the ownership of the land! He might as well shut down the factory within a year or two and let all those people go. In the end, expropriation money is tax payers’ money! We all pay for that...’*

(PS 2, emphasis added)

The use of the term ‘in the public interest’ to legitimize planning decisions that cannot be characterized as non-profit or public as defined by the Law on Expropriation (2013) requires the adoption of a new legal framework at national level – the *Lex Specialis*. The most recent examples of such a practice are the Belgrade Waterfront project discussed in this thesis (Chapters 6 and 7), the FIAT factory in Kragujevac, and others.

Most of the interviewees mention the practices of adopting the new legal framework in order to legitimize certain planning decisions to market economy circumstances, where planning practice in Serbia aims to *'satisfy the interest of private investors rather than public interest, and therefore legitimizes for-profit land-use as the non-profit one'* (PS 6). This notion is often described as 'entrepreneurial urbanism' or 'investor's planning' (Chapter 3, section 3.2.3), and considered by numerous interviewees as *'one of the most dangerous opponents of the public interest'* (PS 16). With that in mind, one interviewee explained:

*'Within the last decade, Belgrade has witnessed political oligarchy, which means collaboration between [comprising / joining] politicians and investors, and these people aren't very concerned about the public interest. There is some good practice, but more often than not urban plans serve to legalize and legitimize informal development and other suspicious planning decisions that are conducted under the pressure of politicians and investors.'*

(ICR 1)

During the socialist era, only the State could legitimise planning decisions, which were implemented through the legal framework and development norms and standards. In this era, 'what is in the public interest' was predominantly defined and implemented through a top-down approach, without any legally obligatory public participation until 1961. Nowadays, the ruling ideology has changed, and besides the State there are some new actors who have the power to define and implement 'the public interest' in planning. Interviewees in this research usually describe these actors as *'politicians, investors, tycoons...'* (PS 2).

Although 'the players have changed', this strong instrumental doctrine seems to have remained prominent. Here, the new legal framework that allows the adoption of *Lex Specialis* broadens the definition of the land-use that can require an instrument of expropriation - from non-profit and public to commercial activities. It should be mentioned that the process of adopting *Lex Specialis* which defines which land-use counts as 'the public interest' is conducted without any public participation. Moreover, most of the interviewees commented on the poor manner of the operationalization of public engagement generally, as well as its poor legitimizing role in relation to predetermined planning decisions. However, only some of the interviewees recognized participatory practice as the only bottom-up instrument to obtain an insight into *'what actually is in the interest of public'* (PS 1, emphasis added).

The public hearing was, until the recent amendment of Law on Planning and Construction (2014), the only form of the public engagement within the current planning procedures in Serbia. It was performed after the Draft Plan had been adopted, at the final stage of the planning procedure. Some interviewees explain that public participation has been conducted as a mere formality, as a way of legitimizing planning decisions, from socialism until today. One interviewee discussed this issue:

*'The only way to inform the general public is via newspaper, and lots of people don't see that. It is too late for the public to react, because the moment we actually include them is at the very end of the planning procedure. I would argue that the public hearing often only serves to provide legitimacy for all sorts of planning decisions...it cannot be considered a real criterion for plan evaluation, because plans are not adequately exposed to public scrutiny!'*

(PS 9, emphasis added)

On top of criticizing the poor execution of public participation as well as considering its legitimizing role, planning professionals also criticized the Serbian general public as passive and not willing to engage in the planning process. One public servant explained:

*'Yes, the fact is that there is a passive attitude of [the] general public towards the planning practice and public interest. I think this is part of the socialist legacy, when they thought that the State would take care of everything... But the fact is that we, the people from planning practice, did not work much on raising the awareness of citizens either. We have a certain idea about how the plan should look and we arrange the procedure towards those outcomes.'*

(PS 8)

This statement is in line with the claim that the dominant planning model in Serbia is still the rational, 'scientific', technical approach, characterized by a focus on pre-set goals and based on the principles of instrumental rationality (Lazarević-Bajec, 2004). Here, 'what is in the public interest' can be regarded as defined and implemented mainly top-down, and serves as a legitimizing notion for justifying the planning actions of the powerful (Petovar & Vujošević, 2008). During socialism, this powerful decision-maker was the State, while in the post-socialist era there is a coalition between the State and private investors.

Moreover, this interviewee pointed out that planning practitioners themselves are not sufficiently motivated or engaged in conducting the meaningful public participation process. It seems practitioners do not perceive the public as a valid informant of what

should be ‘in the public interest’, where its operationalization and implementations should remain in the hands of professionals. This kind of approach is often described as technocratic, inherited from socialist planning practice. As ‘the public interest’ is perceived as a norm for planning professionals (Alexander, 2000), this point will be further discussed in the following section.

While this section aimed to provide some initial understandings on how ‘the public interest’ is used as a legitimizing notion within Serbian planning practice generally, the case study analysis in Chapters 6 and 7 will aim to provide a deeper understanding of the legitimizing role of ‘the public interest’ in both socialist and post-socialist cases.

### **5.3 ‘The public interest’ as a norm for planners**

The recognition that planning operates within a certain political environment means that it rests (mainly) on planners to balance the variety of interests that occur within the planning process: the interests of the State, society and the market, as well as different interests within those categories. Fainstein and Fainstein (1971) see the ‘traditional’ ideology of planning as follows:

‘The planner’s appropriate role is to be a value-neutral advisor to decision-makers about the best way to serve the public interest, without promoting particular policy decisions.’

(Fainstein & Fainstein, 1971:342)

This conception of the planner’s role is often considered typical of socialist planning practice in Serbia - often described as a technocratic practice within a framework characterized by institutions’ lack of autonomy. One interviewee explained:

*‘We, planners, we are the product of the socialist / communist lifestyle where we planned like this – you take a very thick pencil and draw the straight line of infrastructure on the map 1:20000... When you do that, you don’t think about 200 houses that you just demolished because this infrastructure is by default ‘in the public interest’... Of course, at that time everything was public [societal] property, and now the economic sense of all that comes to the forefront, and we cannot act as technocrats any more...’*

(PS 9, emphasis added)

The interviewee here considers the issue of technocratic practice a socialist legacy, which used to act without concern for private or individual interests for the purpose of developing what was ‘in the public interest’. With this in mind, most of the interviewees

discussed the issues of adapting to a market economy and handling the variety of interests:

*'In the uncertain and changed circumstances of the market economy, the breakdown of the public sector [and especially public planning agencies who risk bankruptcy or being blackmailed, so do any kind of plans to survive], pressure from international institutions [political and economic], domestic and international economic capital, the privatization of construction land - planning practice lost the ground beneath its' feet. It lost its' position and significance... The transformation from a socialist to market economy is slow and requires new types of knowledge and understanding of the changes, where traditional models of planning hardly survive. The planner's assumption that only technical knowledge is sufficient for functioning in those new circumstances - is naïve.'*

(PP 1, emphasis added)

This statement highlights the point that the value-neutral planning that might have been dominant in the socialist era cannot survive the transition to a market-economy. As Pušić (2012) states, only naïve political activists and certain planning professionals perceive space as an economically and socially neutral category. This statement implies that what is 'in the public interest', as a norm for planning practitioners within their daily practice, cannot not be observed as a value-neutral category either.

Unsurprisingly, the majority of interviewees in this research see themselves as 'advocates of the public interest', while some are nostalgic for a socialist planning practice described as *'less technocratic than the current one, where we have to fight for the public interest on daily basis'* (PS 3). Here, the major 'opponents' of 'the public interest' in current planning practice are identified as *'greedy private developers and politicians'* (PS 13). One interviewee explained the importance of 'the public interest' as a norm in his daily practice:

*'Providing and protecting the public interest represents the core of my professional commitment, and should be the main principle of every planning professional. Unfortunately, within everyday practice this notion is often forgotten, because the market and its actors [investors, and often politicians and citizens] are in the best case scenario indifferent, and even more often are ready to usurp, reduce or depreciate the public interest...'*

(PS 21)



This interviewee describes himself as the protector of ‘the public interest’, with the main opponents to its implementation being private investors, politicians and sometimes citizens fighting for their own, private interests. Yet not all of the interviewees share the opinion that planning professionals that work within the public realm are actual advocates of ‘the public interest’. One interviewee explained:

*‘I don’t really know what to say... I don’t think that the public interest represents any criterion for the public servants in planning practice, because everyone has his ‘price’... I understand that [within the circumstances of market economy and political oligarchy] people are scared to lose their jobs. They just keep quiet and go with the flow. I do not approve this attitude, but I understand it...’*

(NGO 1, emphasis added)

The interviewee here addresses the notion of different interests influencing the work of planning practitioners, usually articulated as political or private investor’s pressures. The presence of politics and lack of autonomy in planning practice was described by interviewees as a common problem since the era of socialism. One interviewee considered the relation between the planning practice and politics:

*‘The commission for plan adoption is constituted by the leading political party representatives. When a certain party wins the elections, the first thing they do is to place their people on the commission for plan adoption, because that’s the way to control the way city is developing. In this country, decisions are made by the ruling political parties and not by the professionals.’*

(PS 6)

Another public servant mentions the role of ‘higher politics’ within her daily practice. However, she spoke about the ‘virtues’ that planning professional should possess in order to deal with them:

*‘You, as a planner, need to have diverse knowledge which includes law, economy and psychology. It is hard to lead any kind of planning procedure if you don’t have an insight into the above. You also need to have communication skills, the power of persuasion, reasoning, replying to different demands, lobbying... And the main rule is that you need to collude with politicians, but you must not get attached to any political party!’*

(PS 12)

It is clear that contemporary planning practitioners have a difficult task - to satisfy public as well as individual interests and not to violate their own value systems. However, most of the interviewees argued that '*...at the end of the day, the protection of public interest depends on ethical individuals*' (PS 1). The consideration of ethics in daily planning practice contributes the previous notion that planning 'in the public interest' cannot be observed as a value-neutral category. One interviewee explained:

*'If I can speak freely and publicly present the attitude of the planning practice, if I can protect the urban norms and standards and if I fight for the transparency of the decision making process in planning, if I can give at least 5 minutes for every interested citizen that attends the public hearing, then yes, I do consider myself as an advocate of the public interest. However, none of us [people from practice] do that always and consistently... If we want to have professional ethics, we need to have some personal ethics and integrity too.'*

(ICR 1)

Many interviewees (especially public servants) are concerned with embracing the new role of planning that requires new knowledge, skills and certain ethics. Moreover, they are concerned how to 'protect the public interest' within contemporary practice. Hence, one of the questions at the forefront of the debate about the role of 'the public interest' as a norm for planners is this: are planning professionals in Serbia able to perform the kind of planning methodology that will reconcile the requirements for rationality and pluralism with the real needs of the city? This will be further addressed in the case studies.

#### **5.4 'The public interest' as a criterion of plan preparation**

As discussed earlier in the literature review, the formal planning system in Serbia is mainly directed towards physical planning - determining land-use, forms of construction and development control. In international terms, it is often described as 'zoning'. When planning the public land-use and SGIs, planners need to obtain norms and standards from the public enterprise that is in charge of the specific SGI. These development standards need to be incorporated into the plan at all levels - GUP (General Urban Plan, city level), PGR (Plan of General Regulation, municipality level) and PDR (Detailed Regulation Plan, neighbourhood level). The plan of lower level has to be in line with the higher-level plan (Chapter 3, section 3.4.2).

This system has recently undergone minor adjustments, mainly in support of new investments and the market economy. Hence, most interviewees characterize the current planning practice as ‘flexible’ towards the requirements of private investors, while not being particularly responsive to the interests of the general public (PS 13). ‘Flexibility’ in contemporary planning practice refers to the arbitrary treatment of norms and standards for public land-use, which represent the *‘basic instrument to protect the public interest in plans, since socialism’* (PS 12). Additionally, the flexibility of system is reflected in the adoption of a new legal framework and *Lex Specialis* for the purpose of adapting plans for contemporary developments ‘in the public interest’, as in the cases of Belgrade Waterfront and Stepa Stepanović (Chapters 6 and 7).

Considering ‘the public interest’ solely through planning and implementation of norms and standards for public and non-profit land-use is present within most of the interviews and can be regarded as an outcome of the technical education of planning professionals during socialism (Petovar, 2012:49). As some interviewees have noted, socialist planning practice was based on rigid and controlled procedures, lack of public involvement until the late 1960s, and the consistent implementation of norms and standards for public land-use. At the same time, the socialist development of New Belgrade was cited by a majority of interviewees as the *‘best example of planning in the public interest due to the generous norms for public land-use’* (PS 10). By contrast, contemporary ‘flexible’ planning implies uncertainty in the implementation of ‘the public interest’ through norms and standards for public and non-profit land-use from the plan (PS 16). As one interviewee explains:

*‘Planning professionals nowadays naively think that flexible planning can adjust to the requirements of the market economy. Instead, what happens to that flexible planning? It completely abolishes the main instrument of the planning practice! It abolishes the urban planning norms and parameters for public land-use and SGIs, which are the only instruments to protect the public interest...’*

(PS 7, emphasis added)

Many interviewees considered the importance of the consistent planning and implementation of norms and standards for public land-use as one of the focal points in the discussion about the role of ‘the public interest’ when preparing the plan. However, not all interviewees agree that the norm should be the only instrument to protect ‘the public interest’ in plans:

*'All the norms and standards that planners think they still have as a form of technical knowledge - that is all abolished. When you ask me about 'the public interest', I can only laugh! Why? We can talk about norms for public land-use: green areas, traffic network, schools, hospitals, etc. But when you 'put that down' on detailed plan or urban project, all of that gets lost in the housing and commercial square meters...'*

(PP 2, emphasis added)

This interviewee argues that planning professionals cannot rely solely on planning norms, as they easily 'disappear' under the pressure of private interests when actually implemented. They provided one example of such practice when they used to work in the public sector:

*'10-12 years ago I was a witness at a planning commission where the main city architect presented a plan for certain commercial area on the riverfront where the land-use he proposed was different than the one in the General Urban Plan. Also, the standards and norms for public land-use were way below minimum and the standards for commercial zones were way above the maximum... That was a completely illegal plan! At that time I was representing the government body at the commission. I said that the plan is illegal, and the city architect suggested that we should vote! You can't vote for something that is illegal!'*

(PP 2, emphasis added)

The interviewee here considers the issues they experienced as a member of the planning commission, their experience pointing to the lack of autonomy and political pressures on planning institutions (further discussed in Chapter 6). This statement provides some evidence of the issues that planning practitioners experience during the plan preparation phase that might conflict with their ethical duty to 'protect the public interest', as mentioned in the previous section.

Besides dealing with political pressures and poor systematization, the lack of a long-term strategy and in-depth analysis prior to the plan preparation were also considered to be key challenges of contemporary planning practice. One interviewee explained:

*'We don't plan a city systematically, which means that we 'strike' certain space and develop it based on the long-term plan. Everything is done ad-hoc. What we have is 'dotted' urbanism, and not town planning based on the research that will show the actual needs and demands of the city. What is funny is that we have no economic feasibility study prior to the plan preparation or adoption. We have so*

*much nonsense and contradictory stuff within our plans as well as discontinuity from the higher level plans...'*

(PS 13, emphasis added)

According to some of the interviewees, most of these aspects of plan preparation are in line with the commercialization of not only urban land, but planning practice as such. Terms such as 'investor's planning' and 'investor's urbanism' come to the forefront of narratives in various cases across Belgrade (Chapters 6 and 7). One interviewee explained:

*'God forbid if I have to talk with the investor who wants to develop housing and commercial areas and tell him that he needs to provide a hospital or a kindergarten too... They absolutely can't perceive that as complementary land-use to any individual or collective housing. There is a by-law that requires that, but many [if not all] investors have some connections with 'someone important' and they manage to get away without providing that basic public interest...'*

(PS 3, emphasis added)

This interviewee considered the issue of communicating with private investors. Additionally, as mentioned in the previous section, most of the planning professionals perceive difficulties in implementing norms and standards for public land-use and SGIs, due to the pressures of private investors and politicians for profit. They identify these as the largest threat to planning 'in the public interest'. Several interviewees mentioned issues such as tokenism in conducting public participation or the lack of professional discussion as an obstacle to reaching the procedural 'public interest' during the plan preparation:

*'I cannot accept that we, who had a planning practice that was participatory and democratic when we were not even under democracy, have now forgotten all of that good practice because we are either scared to lose our shaky positions, or we are just lethargic...'*

(PS 16)

The Republic of Serbia acceded to the Aarhus convention on access to information, public participation in decision-making and access to justice in matters concerning the environment (1998) in May / July 2009. Yet there are still a significant number of so-called 'capital developments of importance to the Republic' where the public is informed only after decisions on implementation have already been made, and when it

is difficult / impossible to influence their further course. An example of this kind of practice is discussed by one interviewee:

*'One of the most striking examples was the public hearing for the changes of GUP Belgrade for the purpose of developing Belgrade Waterfront project. There were 2000 complains by citizens, planning and architecture experts, representatives from the Ministry of Planning, members of professional commissions and other experts who were pointing out at the illegal aspects of this new plan! However, their opinions and complaints were put aside; they were rejected as groundless without any explanation or discussion! Something like this never happened even when we were under Milošević!'*

(PS 5, emphasis added)

Several recent examples of planning practice in Belgrade, with Belgrade Waterfront as one of them, show that large-scale profitable commercial projects are legally characterized as 'in the public interest' by the State at national level in order to ensure their implementation through the expropriation of land. In these circumstances, the opinion of the general and professional public at the public hearing is '*put aside as irrelevant*' (PS 3).

From the brief analysis above, it is evident that most of the planning professionals perceive that 'the public interest' is achieved in process if they manage to fight for public land-use and SGIs, while only some of the interviewees perceive wide participatory processes as a way to obtain an insight and protect the interest of public. The public hearing remains only to legitimize planning decisions, rather than as a norm for planning practitioners or as a criterion of plan preparation. However, some interviewees argue that norms and standards on their own are an insufficiently effective instrument to protect 'the public interest' in plans, or to ensure its implementation as they might have during socialism.

Given that 'the public interest' is often used by the planning practitioners in order to describe the variety of procedural domains of planning practice, the researcher decided to reframe the initial understanding on the variety of roles that 'the public interest' holds in planning (Alexander, 2002). Therefore, besides the roles that Alexander (2002) proposes such are: a legitimizing notion, a norm for planning practitioners and a criterion for evaluation of plan, this research will also look at the potential role of 'the public interest' as a criterion for plan preparation. The following section will aim to

provide some more insight into the treatment of ‘the public interest’ within procedures of socialist and post-socialist planning on city and neighbourhood-level cases.

## **5.5 Public interest as a criterion for plan implementation and evaluation**

Petovar and Vujošević (2008) argue that there are no formal instruments to ‘measure’ how successfully a plan has been implemented within current Serbian planning practice. Insufficient implementation mechanisms have generated problems in the transition to a market economy, especially because the consensus on common values, or ‘what is in the public interest’, is something that is difficult to accomplish and maintain (Radosavljević et al., 2013).

With regards to issues in implementation of public land-use and SGIs from the plan, one interviewee explained:

*‘When we talk about the public interest, we are missing the implementation part... What I want to say is that some kind of plans [good or bad] will be made, but are they going to be implemented and evaluated by the local government? I don’t think so... It is the responsibility of local governments to provide citizens with sufficient ‘public interest’ - public and non-profitable land-use and SGIs. That is the reason why they exist, both local and national authorities!’*

(PS 16, emphasis added)

This narrative points to a crucial issue concerning the responsibility of the State and the public sector in delivering and implementing ‘the public interest’ with regards to planning in the context of a market economy. Another interviewee explained the issues in implementing plans:

*‘Institutions lack awareness and responsibility for certain solutions. As a certain political party wins the elections, they forget the development strategy from before. Development strategy should be independent from the political changes.’*

(PP 3)

These interviewees relate the issue of lack of implementation of public and non-profit land-use to the lack of autonomy of planning institutions, where development strategies are regulated in line with the interests of the ruling political party. This discontinuity in implementation of public and non-profit land-use in contemporary planning practice was not recognized during socialism:

*'During socialism there was only one ruling party for a long period and they had clearly set development goals and mechanisms for implementation, although they were authoritarian and imposed from above...'*

(PS 18)

Here, the interviewee stressed the importance of consistent implementation of public and non-profit land-use, regardless of the fact that the socialist ruling ideology imposed what should be 'in the public interest'. This understanding can be opposed to a democratic decision-making process, where the agreement on certain values and norms 'in the public interest' *'should be reached through consensus between citizens, the private sector and the State'* (PS 14). Nevertheless, the majority of interviewees still mention the dominant top-down model in defining and implementing 'the public interest'. Based on this understanding, most of the interviewees in this research normatively foresee the articulation of 'the public interest' through the legal framework and implementation of norms and standards for public land-use and SGIs. Hence, the normative understanding of 'what is in the public interest' can be perceived as underpinned by the continuing technocratic practice. Moreover, observing 'the public interest' through public land-use and SGIs specifically seems to derive as well as a result of dealing with private investors and politicians who do not perceive the public land-use and as complementary one to the for-profit development. In these circumstances, planners feel as 'the last protectors' of public and non-profit land-use as 'the basic public interest' in planning. This will be further elaborated in Chapter 6.

Petovar et al (2009) consider the spatial accessibility to public services or SGI as the key issue for defining, implementing and evaluating development policies in Serbia in line with the EU principles, norms and standards (Petovar et al., 2009). According to these standards, the accessibility to SGIs represents a basic condition for social development and social cohesion. Weak or substandard spatial distribution of SGIs is argued to be a precondition for increased multiple deprivations of citizens. With regard to this subject, one interviewee explained:

*'If we look at the whole territory of Belgrade, it is hard to talk about equal coverage and quality of the SGIs. Schools in the city centre require much more square meterage per student than current 7 or 8 m<sup>2</sup>. All the actual standards for public facilities are under the minimum norms! Thank God, my children attend the school in New Belgrade that was developed during socialism...'*

(PS 10, emphasis added)



Both planning professionals and certain representatives of the general public consider the issue of the shortage of public land-use and SGIs not only a problem for the territory of Belgrade, but in Serbia as a whole. Most of them are also ‘nostalgic’ for socialist urban development and often mention the case of socialist New Belgrade as a

*‘good example of planning in the public interest due to the consistent implementation of generous norms and standards for public land use and SGIs from the plan.’*

(PS 8)

One of the reasons for the discontinuity of such practice and implementation of insufficient public land-use and SGIs within the post-socialist planning practice has been identified as budget shortages:

*‘We have examples of when local government has no money in the budget to provide the basic infrastructure as for a new private development, so the investor gives money for roads and infrastructure, but not for a hospital or kindergarten, and later they settle the bill through the land-use fee.’*

(PS 7)

In addition to the procedural issues such as ‘*dodgy practice between the private investors and public institutions*’ (PS 14), interviewees also mentioned the issue of informal development as one of the main obstacles to implementing the basic infrastructure or any form of SGIs:

*‘I keep going back to the issue of informal development, because it really is one of the worse problems when trying to implement a plan. We often have to change the Plan of Detailed Regulation because of the informal settlements. People were building houses everywhere, and they left no space in between for even the basic infrastructure, or just a 3-metre wide road. What if they needed an ambulance and it couldn’t reach their house?!’*

(PS 14, emphasis added)

Informal and unplanned construction represents a significant phenomenon of urbanization in Serbia (Chapter 3, section 3.2.2). One interviewee discussed some of the implementation issues that occurred due to the informal construction:

*‘We planned some green areas in one location. And when we went to the location, we saw 30 informal houses in the area that was supposed to be forest! What often happens is that the planning commission approves the change of the land-use for that area, and then something that used to be green area becomes construction land. Plans serve to legalize informal construction! This kind of*

*practice sets an example to future generations that it is ok to develop informally, without any building permission. That is absolutely crazy! If you did something like that in for example Sweden, they would immediately put you in a mental hospital, not in jail...*

(PS 16, emphasis added)

Here, the interviewee emphasizes the role of the planning commission in changing the land-use in the plan and legitimizing the illegal development. They also bring up the issue of the ‘moral dilemma,’ because, as they say, *‘you cannot just demolish 30 houses!’* (PS 16, emphasis added).

Some of the causes and effects of informal development have already been covered by the existing research into Serbian planning practice (Chapter 3, section 3.2.2). According to the interviewee above, informal housing can be regarded as an obstacle to the implementation of ‘the public interest’ from the plan because this housing is often developed on public land intended for future development of public land-use or SGIs.

On the other hand, some of this housing could be perceived as ‘in the public interest’, as it serves to satisfy the basic housing needs of vulnerable, socially deprived groups and the vast number of internally displaced persons (IDPs) that came to Belgrade and Serbia after the wars in 1990s. One interviewee explained:

*‘If Milošević did not allow informal development, I think that we would have had another civil war in Belgrade and vast number of homeless today... that decision might seem catastrophic from this perspective, but at that time I think it was necessary to preserve the social peace...’*

(PS 10)

Not all informal housing can be related to the satisfaction of ‘basic housing needs’, as there are numerous recent examples of illegal developments of so called ‘tycoons’ and other groups that cannot be characterized as vulnerable:

*‘A lot of informal housing has nothing to do with refugees and poverty! There are numerous illegal villas developed by tycoons who collude with politicians, on the very area that is reserved for kindergartens, schools, hospitals, parks and forest!’*

(PS 5, emphasis added)

The specific subject of informal housing that does not serve for poor and vulnerable groups but for political elites, too, has been covered in the PhD research of Grubovac (2006). Although informal housing represents a significant phenomenon of urbanization in Serbia, and can be attached to the changing role of ‘the public interest’ in planning, it will not represent an area of interest of this research. This is mainly because the subject has already been covered in a number of published works (Žegarac, 1999; Grubovac, 2006; Žerjav: 2013; Vuksanović-Macura & Macura, 2014), and also because the interviewees in this research did not consider any example of this kind of practice as the possible case of planning ‘in the public interest’. Nevertheless, it could be concluded that poor enforcement in this case represents a lack of planning ‘in the public interest’.

When considering the role of ‘the public interest’ as a criterion for plan evaluation, the majority of interviewees mentioned that *‘there is no ways to measure if plans are successful in contemporary practice’* (PS 7). On the other hand, the majority of interviewees consider New Belgrade to be the ‘best example of planning in the public interest’ based on the evaluation of implementation of norms and standards for public land-use and SGIs. Also, they criticize the example of Stepa Stepanović due to the lack of implementation of basic SGIs. Hence, although there are no formal instruments to evaluate the implementation of certain planning decisions, the interviewees still use the criterion of ‘the public interest’ to evaluate the plan’s success.

With this in mind, the case study analysis that follows (in Chapters 6-8) will aim to elaborate the idea that ‘the public interest’ holds a role as a criterion for the implementation and evaluation of socialist and post-socialist developments in Belgrade.

## **5.6 Conclusion - refining the analytical framework**

This chapter involved a broad investigation of the changing role of ‘the public interest’ within socialist and mostly post-socialist planning practice in Serbia, primarily through the vehicle of interviews with planning practitioners. Firstly, it pointed out the important role of the changing legal framework in legitimizing planning decisions ‘in the public interest’. This notion is closely related to the changed ruling ideologies of the socialist and post-socialist eras respectively, and their different definitions of public land-use. Moreover, interviewees considered the legitimizing role of the public participation, which is often used as a form of tokenism rather than as the bottom-up

instrument that serves to reach an understanding of the substantive expression of ‘the public interest’.

The interviewees’ stories implied that the ‘daily practice’ of planning professionals requires changes in line with the transition to a market-economy. Some of the interviewees recognized that the role of the value-neutral advisor, who protects ‘the public interest’ solely through norms for public land-use in plans - is not sufficient within the current circumstances, where transition to a market-economy requires new types of knowledge, skills and collaboration.

On the other hand, most of the interviewees’ first association with ‘the public interest’ in planning is the consistent implementation of norms and standards for public land-use and SGIs. Accordingly, they consider New Belgrade the ‘best example’ of planning ‘in the public interest’ due to the incorporated principles from the Athens Charter that imply generous norms and standards within each block developed in the early socialist era. These findings point to the possible path-dependency of the socialist view of ‘the public interest’.

Some of the interviewees recognized the value of public participation as an instrument for obtaining an insight into the substantive ‘public interest’ through the bottom-up approach to planning. However, they considered various obstacles in relation to implementing ‘meaningful procedures’ as opposed to tokenism. These are reflected in the lack of autonomy of planning practice (where the planning process is still directed towards achieving the outcomes desired by ‘powerful decision-makers’), the general public’s lack of interest in being included in the planning process, as well as the lack of transparency in advertising public participation, and the scepticism of planning professionals towards an inclusion of the general public into the decision-making process.

When it comes to role of ‘the public interest’ as a criterion for plan implementation and evaluation, most of the planning practitioners mentioned that there are no formal means / instruments to measure the level of implementation or the success of the plan. Yet most of the interviewees used ‘the public interest’ as a criterion to describe the outcomes of the socialist and contemporary projects they identified as possible cases of planning ‘in the public interest’.

Hence, this stage of analysis contributed to a re-evaluation of the initial hypotheses on the identified roles of ‘the public interest’ in planning practice offered by Alexander (2002). It pointed out that planning professionals perceive ‘the public interest’ through the outcomes of planning practices in relation to the successful / unsuccessful implementation of the public land-use and SGIs. However, planners also considered some procedural articulations of ‘the public interest’ within their daily planning practice. These are manifested as ethical and professional norms in collaboration with other public enterprises, private developers and general public, but also as technical assignments when conducting the expropriation of land and planning public land-use. It was thus necessary for this research to include an additional role of ‘the public interest’ in planning that was not available within Alexander’s definition, and that is the role of a criterion for preparation of plan.

In addition to the re-evaluation of the analytical framework for this research, this part of the analysis allowed an identification of socialist and post-socialist case studies that interviewees identified as developments in Belgrade that are ‘in the public interest’. As Flyvbjerg (2006:222) explained,

‘Context-dependent knowledge and experience are at the very heart of expert activity; such knowledge and expertise also lie at the centre of the case study as a research and teaching method or to put it more generally still, as a method of learning.’

Flyvbjerg, (2006:222)

The case study approach was thus adopted by the researcher as the most appropriate method to comprehensively address the leading problematics on the changing role of ‘the public interest’ within the specific context of planning practice in Serbia. Nevertheless,

‘if people were exclusively trained in context-independent knowledge and rules, that is, the kind of knowledge that forms the basis of textbooks and computers, they would remain at the beginner’s level in the learning process’

(Flyvbjerg, 2006:222)

Therefore, the problem-driven character of this research therefore indicated that the context cannot be separately observed from the process and outcomes. Therefore, it was necessary to bring socialist and post-socialist cases together, in order to obtain an in-depth understanding of procedural measures that might (or might not) mean that ‘the

public interest' is being served in the context of urban planning and development, and in the potential and actual outcomes of such procedures.

Considering the process as well as outcomes of planning practice might provide an understanding of whether and how the existence, or lack thereof, of 'the public interest' in the process stage, necessarily implies a corresponding existence, or lack thereof, of 'the public interest' in outcomes of planning practices. It is expected that these findings could later contribute towards a re-examination of the theoretical stands on the treatment of 'the public interest' within the rational approach to planning (Chapter 9).

## **Chapter 6 Process and procedures of planning ‘in the public interest’**

### **6.1 Introduction**

This chapter will aim to address the measures required for ensuring that ‘the public interest’ is served within planning procedures in socialist and post-socialist cases. It will aim to examine the articulation of ‘the public interest’ by considering:

- The implementation of norms and standards for public, non-profit land-use and SGIs in the procedures of plan preparation,
- The legitimate scope and content of ‘the public interest’ within city and neighbourhood-level cases,
- The role of planning professionals in relation to the possibilities of implementing ‘the public interest’ from the plan, and
- Public participation as a bottom-up instrument of addressing what is ‘in the public interest’.

The presentation of qualitative data has derived these four dimensions as crucial for defining the process and procedures of Serbian socialist and post-socialist practice of planning ‘in the public interest’. Figure 6.1 shows that while the obtained qualitative data was analysed in line with the presented analytical framework (Chapter 5), the findings in this chapter are presented through procedural themes of Serbian planning practice. Traditionally, what is ‘in the public interest’ has been regulated by the State through urban norms and standards, while being implemented in plans by planning professionals. It can be assumed that these dimensions of planning practice also represent the top-down, normative measures for addressing and implementing what is ‘in the public interest’. On the other hand, public participation and the availability of information can be observed as a bottom-up instrument to address the substantive expression of ‘the public interest’, which tends to change in line of the societal values of the local context in which it operates.

Addressing these dimensions of planning ‘in the public interest’ would allow for some insight into the normative as well as substantive articulation of the concept. Moreover, it would provide the basis for a simple comparative analysis between the socialist and post-socialist practices. Finally, when complemented with findings on the outcomes of these practices (Chapter 7), the research holds potential to provide an in-depth understanding on possible causality between the process and outcomes (Chapter 8).

Hence, it could potentially contribute the re-evaluation of theory concerning the treatment of ‘the public interest’ in planning (Chapter 9).

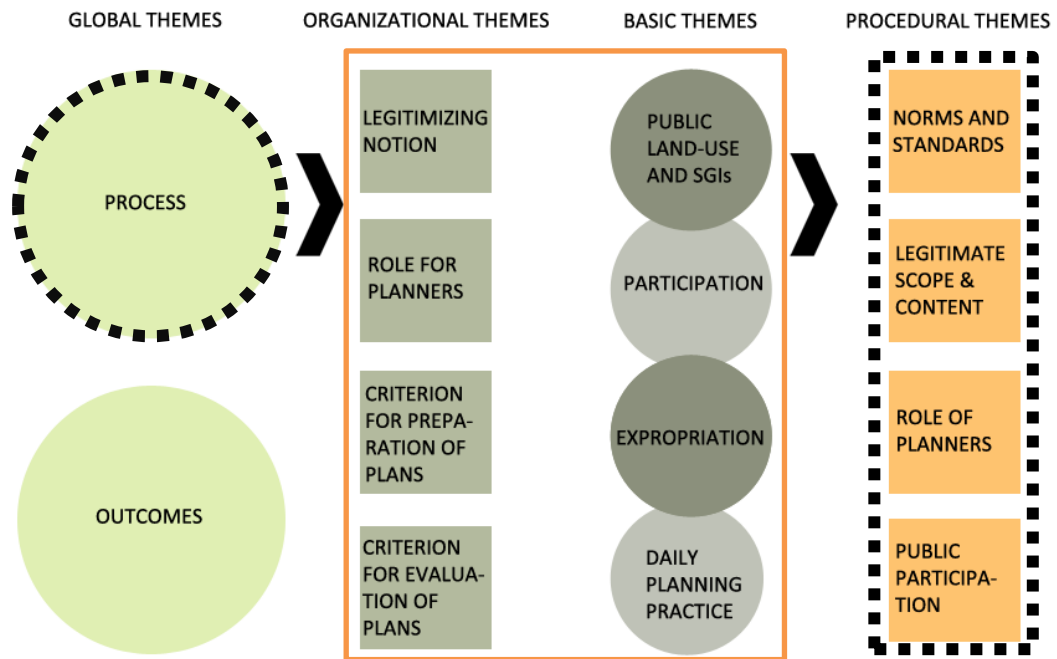


Figure 6.1: Analytical framework and procedural themes

## 6.2 Introduction to cases

Two socialist cases were derived from interviews: the socialist central New Belgrade, as an example of the development of an area of large-scale affordable housing and administrative buildings, and Block 23, as one of the neighbourhoods spatially nested in New Belgrade. In addition, two contemporary cases were recognized by planning professionals: the Belgrade Waterfront project, and Stepa Stepanović neighbourhood.

In this research, the case of New Belgrade is identified as a city-level, socialist example defined as ‘in the public interest’ (GUP, 1950). It was developed in line with the principles of the Athens Charter (Le Corbusier, 1933) as a utopian concept of a functional city (Figure 6.1). New Belgrade was derived from the qualitative interviews with Belgrade planning professionals as a *‘true example of planning in the public interest’* (PS 20).





Figure 6.2: Radiant city by Le Corbusier; source: Ville Radieuse (1933)

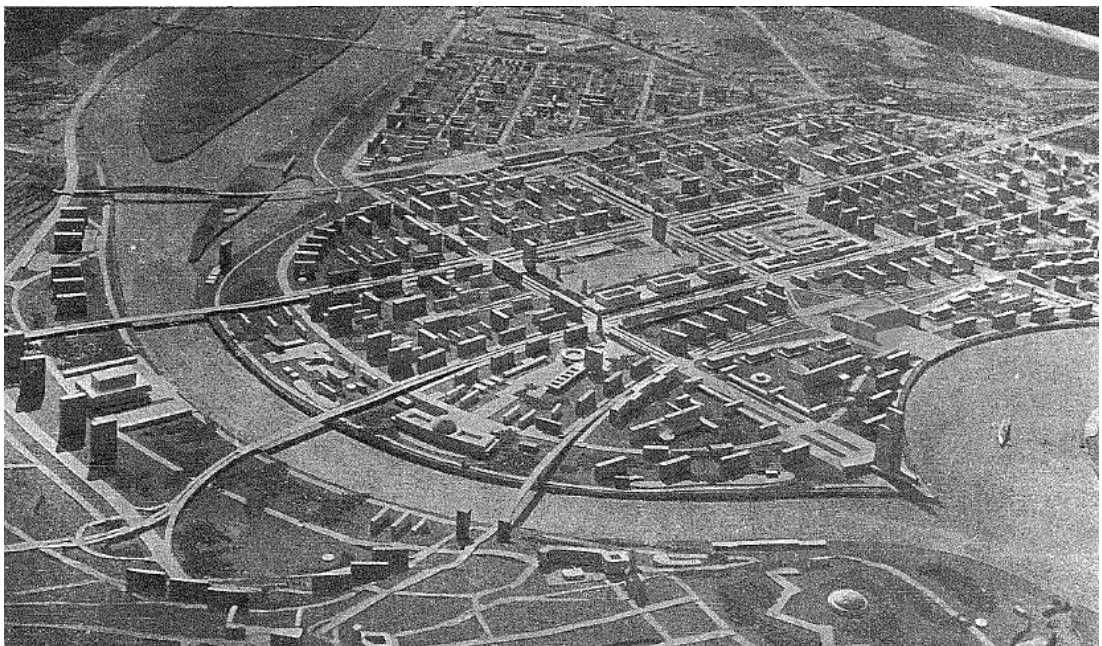


Figure 6.3: Model of New Belgrade, source: GUP (1950)

Although New Belgrade was planned on the basis of extensive studies, analysis and theoretical assumptions in order to satisfy the housing needs of its inhabitants (Perović, 2008:165), its development was predominantly based on the requirements of the

socialist political centre of the Federative Republic of Yugoslavia. As explained in the GUP (1950)

‘New Belgrade has to reflect our positive architectural heritage, the tendency of our urban planning towards the future and achieving better quality of life and happiness of our community... The realization of New Belgrade is possible only under the Socialist transformation of our country, because all the social forces are free to help develop this large collective deed.’

(GUP, 1950:118)

The socialist New Belgrade represented a base for testing the principles of the Athens Charter that were applied and implemented through ‘generous’ norms and parameters for housing and public land-use in the GUP (1950), as will be addressed in the following section of this chapter.

As one of the neighbourhoods in New Belgrade, Block 23 (Figure 6.3 and 6.4) was first developed in the late 1960s on the basis of a Detailed Urban Plan (DUP, 1967) and later Amendment of DUP (1987). Block 23 was chosen as a case for this research because it represents one of the ‘*typical developments during socialism*’ (PS 13). As such, it might provide an understanding of procedures, as well as the outcomes of planning ‘in the public interest’ on a smaller-scale socialist development.

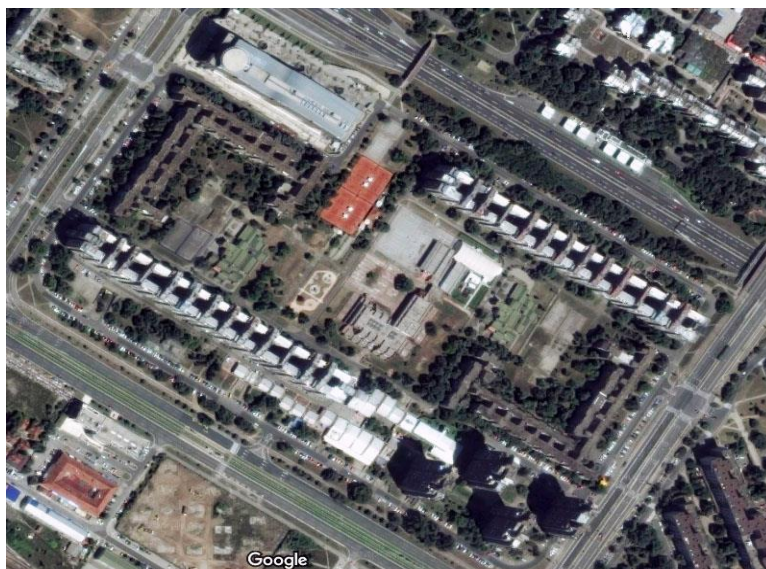


Figure 6.4: Bird’s eye view of Block 23, source: [www.googlemaps.com](http://www.googlemaps.com)





Figure 6.5: Kindergarten and housing in Block 23, source: author

For many contemporary planners, Belgrade's socialist era development still represents the best example for 'planning in the public interest', due to the generous norms and standards for housing and non-profit land-use. These cases thus aim to reflect an era that was important in defining the path-dependent nature of the planning practice in Serbia. Moreover, the legal term 'in the public interest' was generated during socialism.

Contemporary cases of 'planning in the public interest' include the Belgrade Waterfront and Stepa Stepanović residential neighbourhood. The value of the Belgrade Waterfront case is that it represents a 'live' case study that could potentially contribute to this research in terms of providing an understanding of the effects of the market-economy on contemporary planning practice. Moreover, it provides a basis for comparison with the socialist definition and meaning of 'the public interest'. It is assumed that the case of Stepa Stepanović would contribute towards an understanding of contemporary 'planning in the public interest' on a smaller, neighbourhood-level scale of observation.

The Belgrade Waterfront project is still in its initial development phase. The plan was adopted in 2015 as the Spatial Plan of Special Purpose Belgrade Waterfront (hereafter, SPSP). At the public discussion on the Draft plan, which took place in Belgrade in October 2014, it was announced that

*‘...the Government of the Republic of Serbia declares that the Belgrade Waterfront project is established as a project of the national and public interest for the Republic of Serbia, which is followed by the resolution of the preparation of the Plan of the Special Purpose for Belgrade Waterfront...’*

(PD 1)

The Belgrade Waterfront project is the result of collaboration between the Serbian government and a private foreign investor. It represents a commercial-residential development for the area of the Sava River Amphitheatre in the core city centre of Belgrade. For the purpose of its implementation ‘in the public interest’, the project required the adoption of a new legal framework through *Lex Specialis* as well the amendment of the higher-level plan, the General Urban Plan (2014).



Figure 6.6: 3D model of Belgrade Waterfront, source: SPSP (2015)

The Stepa Stepanović project was identified as a contemporary neighbourhood-level case – initiated, financed and implemented by the State as an affordable housing project, and therefore characterized by interviewees as ‘in the public interest’. The Stepa Stepanović project was begun in 2009 and is still in progress. Similarly to Belgrade Waterfront, its implementation required the adoption of a new legal framework through *Lex Specialis* as well as an amendment of the GUP (2009). The new planning framework provided the legal basis for the transformation of military quarters into housing, commercial and public land-use. The development of the neighbourhood is based on the Urban Project ‘Stepa Stepanović – Transformation of Military Barracks into the Housing-Commercial Complex’ (2010).



Both socialist and contemporary cases are formally ‘in the public interest’ according to the planning and expropriation legislation. However, they rely on different definitions of the term ‘public interest’, and employ different procedures in order to ensure that ‘the public interest’ from the plan is implemented. In the socialist era this was a large scale non-profit housing and administrative area, while nowadays it is large-scale residential housing and commercial area. These cases can thus potentially testify to the substantial changes in Serbian planning practice at city and neighbourhood level of development.



Figure 6.7: Stepa Stepanović neighbourhood, source: [www.helivideo.rs](http://www.helivideo.rs)

### 6.3 Norms as a basic instrument for achieving ‘the public interest’ in plans

In Serbian planning practice, norms represent one of the main instruments for city design and regulation, serving to protect both the private interests of citizens as well as ‘the public interest’ of the city as entity (Petovar, 2010). It should be noted that norms are different to building regulations, which imply land-use and construction intensity (construction index, occupancy rate, maximum height of the buildings). Norms and standards for public land-use and SGIs, proposed in the form of  $\text{m}^2$  per inhabitant, are not formalized as a legal obligation. They are set out and regulated by urban plans (GUP, PGR, DUP, UP) and provide the basis for design, development and use of urban space. During the socialist era, norms were an obligatory part of new construction plans, urban renewal, and the balancing different of activities and actors in space, while in contemporary practice we find deviations in their implementation (Petovar, 2010).

The reason for considering norms and standards as a normative articulation of ‘the public interest’ is that these regulations are traditionally provided by the ruling ideology and implemented in planning practice. Moreover, the majority of interviewees mention generous norms for public, non-profit land-use and SGIs as a ‘basic public interest in plans’. According to Petovar (2011:49), the implementation of these norms and standards is regarded as a ‘basic public interest’ due to the socialist legacy of engineering education and technocratic planning practice. It can therefore be argued that most of the interviewees still perceive ‘the public interest’ as a purely technical, rational notion that is realized through spatial coverage and consistent implementation of norms and standards for public land-use and SGIs.

Compared to the strict, technical practice of socialism, the ‘flexible’ planning practice that currently operates within market economy circumstances in Serbia is often criticized for reducing or abolishing the norms for public land-use and SGIs in the name of profit. One public servant explained:

*‘The failure of current Serbian planning practice to adapt to the market economy while aiming to only respond to investor’s requirements abolishes the notion of consistent implementation of norms for public land-use, which is considered as an ultimate public interest in plans!’*

(PS 20, emphasis added)

Another public servant pointed out a similar issue:

*‘It often happens in our planning practice that the implementation of given norms and standards in plan is left to depend only on ethical standards, good will, cultural patterns and responsibility of the planning expert as an individual...’*

(PS 4)

These statements mention the potential lack of possibility for implementing norms and standards from the plan within current institutional and legal framework under the pressure for profit, lack of regulatory and control mechanisms, where most of the responsibility relies on individual planning professionals who consider themselves ‘*the final protectors and advocates of the public interest*’ (PS 17). Hence, the following section will aim to analyse the implementation of norms and standards ‘in the public interest’ by considering some of the procedural measures of socialist and post-socialist practice within the identified case studies.

### 6.3.1 Norms during socialism

Socialist planning practice is often considered rational and strict with regards to the implementation of norms and standards for public land-use from the plan. At the time, all development conducted by the State was public / societal, and as such was legitimized as being ‘in the public interest’. While the socialist developments in this research were identified by the interviewees as being ‘in the public interest,’ mainly due to the sustainability of their outcomes (Chapter 7), this chapter will consider some of the procedural characteristics of socialist planning. The aim of this analysis is to address the potential causality between the process and outcomes of planning ‘in the public interest’, on city and neighbourhood level socialist cases (Chapter 8).

Although operating within specific societal order and control of the State, the ‘applied functionalism’ of New Belgrade was widely recognized by the planning professionals who were interviewed for the purpose of this research. Some interviewees appreciate the value of system and strategic approach in developing New Belgrade during socialism as opposed to the ‘...*ad-hoc planning that we witness daily in Belgrade [now]...*’ (PS 4, emphasis added). The same interviewee explained:

*‘New Belgrade used to be a damp, undeveloped place 70 years ago... this space was planned well - strategically and not ad-hoc. Now we see what planners have imagined at that time – wide boulevards, conceptual architecture, generous housing parameters, mix-use, lots of quality green areas... that is a good quality space. I enjoy that part of the city.’*

(PS 4)

Similarly, numerous interviewees felt that

*‘the most important value of New Belgrade is recognized in planning and implementation of norms and parameters for public land-use planned based on the principles of Athens Charter...’*

(PP 3)

As previously mentioned in this chapter, the Athens Charter proposed the ‘rules’ for developing a functional city and was the basis of the GUP (1950) as a plan for New Belgrade. In terms of housing requirements, the Athens Charter provided norms that allowed housing units at least two hours of direct sunlight in the winter and apartment blocks to be planned away from the main roads because of the noise, pollution and safety. There needed to be enough space between the residential buildings in order to

avoid shade, while the space between the buildings was to be organized in line with the needs of the local community (Athens Charter, 1933). The first housing units in New Belgrade that were developed based on the norms of the Athens Charter were the Pavilions next to Tošin Bunar and Student city (figure 6.7 below).



Figure 6.8: Pavilions, New Belgrade, source: Bing Maps

The planning norms that were implemented from the Athens Charter in the GUP (1950) were explicitly recognized within current planning practice:

*‘...Buildings in New Belgrade were planned based on the norm that the space between two buildings must not be less than the height of those buildings. Now, this norm has changed to half of the height of the building... I understand that we need to increase the value of each plot, but not at the expense of privacy, shade, green areas, sunlight...’*

(PS 18)

Additionally, interviewees addressed the importance and value of norms and standards for housing and public land-use. One interviewee explained:

*‘...good and generous norms and standards for public land-use are the only way to protect the public interest on paper, because they always get reduced when actually developed...’*

(PS 2)

It can be concluded that planning and consistent implementation of generous norms and standards for public land-use and SGIs were one of the main focal points that interviewees used to describe the quality of New Belgrade. It should be recalled that all housing developed during socialism were considered as public land-use.



The consistent implementation of norms and standards in socialism is considered as practice ‘in the public interest’ at neighbourhood level too. Block 23 (Figure 6.8) was developed by the State in the late 1960s. The nomenclature of ‘block’ was typical for socialist planning doctrine, and it referred to the ‘...*square-shaped plan of neighbourhood that contains all necessary infrastructure and SGIs in order to function independently for itself...*’ (PS 4). Typology-wise, Block 23 is described as a:

*‘common New Belgrade open block. It contained social, non-profit housing before the privatization of housing stock, with all the necessary complementing land-use – kindergarten, school, tennis and basketball courts, post-office, local community centre, retail and plenty of green areas...in the late 90’s they also developed a new office building, but that’s common for the on-going commercialization of New Belgrade...’*

(PS 1)

Hence, Block 23 can be observed as a typical / critical case within the socialist New Belgrade, often described as

*‘the most valuable legacy of socialist planning... I am not surprised there is such a huge demand for housing in New Belgrade. Look, for example, at Block 23 – everything you need is there.’*

(PS 14)



Figure 6.9: New Belgrade open blocks, source: Bing maps

This interviewee emphasised the construction of the ‘open block’ as a good socialist practice in its implementation of norms and standards for public land-use at

neighbourhood level. However, they also mentioned that the discontinuity of this kind of practice which, due to the pressure for profit, means reducing the norms for open space and increasing housing density, and in fact changing the typology of the ‘open block’:

*‘We did plan a couple of contemporary neighbourhoods as open blocks, but now the norms are reduced a lot and they are not true open blocks any more, there is not enough space between the buildings, housing density and construction index [ratio between the gross floor area of the object and total area of the plot] raised from 1,6 to 2,2, and that is a lot!’*

(PS 14, emphasis added)

Another interviewee explained how the norms for the open blocks of New Belgrade are sustainable nowadays too, as well as the way they influence the notion of ‘trust’ in the socialist State’s development:

*‘they [examples of socialist planning] provide a certain legitimacy and public acceptance for this kind of practice... We, as planners, perceive the ‘humanity’ of actual outcomes of that planning practice, especially today where we plan a minimal number of public, open and green spaces’.*

(PS 11, emphasis added)

Some of the aspects of socialist planning such as providing legitimacy or ‘trust in State’s development’ can be also regarded as ‘soft’ outcomes of socialist planning practice (Chapter 7). It can be argued that the interviewee’s narratives above represent an example of the socialist path-dependency in matters concerning the consistent implementation of norms and standards. While the socialist New Belgrade and Block 23 are often addressed as the ‘best cases of planning in the public interest’ due to possibilities for implementing norms and standards for public land-use, contemporary examples point out at a somewhat different practice.

### **6.3.2 Contemporary norms**

According to Petovar (2012), within the last two decades Serbian cities have been exposed to the ‘rapid collapse of urbanity as a result of violations of urban norms and standards’ (Petovar, 2012:49). As one interviewee explained, urban regulations are frequently changed and violated due to the ‘*poor functioning of the State and its regulatory mechanisms, corruption, inefficient inspection and insufficient autonomy of professional associations*’ (PP 1).

Interviewees discussed various procedural issues concerning the Belgrade Waterfront project. With regards to planning norms and standards for public land-use, one of the most notable ‘technical’ issues is recognized as the relocation of the main train and bus station, and planning of extremely high buildings ‘*unfavourable for this area*’ (PS 2). These actions were facilitated by abolishment of the ‘Study on high-rise buildings’ (2010), adoption of the Spatial Plan of Special Purpose (2015) and the Amendment of the GUP (2014) as a higher-level plan. Previous versions of the GUP (2003) predicted that the main train and bus station would remain in the city centre zone, while the ‘Study on high-rise buildings’ did not allow high developments in this specific area. Hence, these land-use, norms and standards in GUP (2003) had to be amended in line with the requirements of the Belgrade Waterfront as a predominantly commercial and residential housing project. Some of these points were recognized in another interviewee’s view of the Belgrade Waterfront project’s planning procedures:

*‘One of the most effective ways to abolish urban norms is so-called ‘investor planning’, where urban space is designed in line with the interests of the ruling political coalition and their financiers. Can you imagine that Belgrade is going to lose its main train station from the city central zone because of this project... and they still have not provided adequate logistics for the new train station in the new location’*

(PS 15)

The actions that involved amendment of a higher level plan (GUP) for the purpose of individual project were considered ‘inverted’ procedures in relation to formal planning practice where lower-level plans should stay in line with the higher-level requirements. Most of the interviewees were reluctant towards the amendment of the GUP (2014) and were more concerned with relocation of the main train station. They criticized this planning solution by explaining that the new location has no logistics to satisfy the technical norms that the new train station would require. Moreover, they mentioned concerns about accessibility and the impact of such actions on the social sustainability of the city: ‘*Tell me the name of one European city that moves the main train station [or the pure ‘public interest’] away from the central zone*’ (PS 14, emphasis added).

Most of the interviewees addressed the Belgrade Waterfront project as a clear example of investor’s urbanism (Chapter 5, section 5.4), where norms and standards from the higher-level plan (GUP, 2003) and ‘Study on high-rise buildings’ (2010) were abolished in line with commercial interests for maximum profit. When asked to elaborate the

process of planning the standards and norms for public land-use in the Belgrade Waterfront plan, one interviewee explained:

*'We, as planners, had to ensure that the Belgrade Waterfront project included a minimum of public land-use and SGIs. Based on the anticipated number of inhabitants we managed to 'fight' with the investor for two new schools and a couple of kindergartens. As that was not enough, we are planning to accommodate children in the existing schools in the area. But these are already overcrowded...'*

(PS 12, emphasis added)

Many interviewees touched on the idea of 'fighting' for the norms of public land-use with 'greedy private investors'. In the case of the Belgrade Waterfront project, this 'fight' is with, not only the private investor, but also the investor collaborating with the State. For planning professionals this means that they had a difficult task in advocating norms and standards 'in the public interest'. One interviewee explained:

*'Regarding social protection, we did not plan anything because this is going to be an up-market neighbourhood. However, the Secretariat for social care [city administration] demanded one home for the elderly and a hospital for children, so we had to give them that. We also tried to persuade the investor to plan the Opera, because we planned the Opera house there for ages, but they didn't want to... they said it is not profitable, so we had to give up...'*

(PS 15)

Here, the interviewee discussed procedural issues when negotiating percentages of the required public land-use. They were 'persuaded' that minimal norms for social protection were 'enough', as it was already 'hard to fight' for them. The private developer did not consider public land-use as complementary to private and for-profit development. This kind of practice differs from some Western planning practices where the private investor is obliged by law to provide a certain percentage of public land-use to complement the profitable development (Torres & Pina, 2002). At the same time the development of the Opera house could not be realized, even though its development had been predicted in a long-term plan (GUP, 2003).

Several interviewees mentioned the important role of the city administration departments that legally oblige planners to incorporate certain minimal standards for public land-use into the plan. During the early phase of plan preparation, these departments in the field of social and health care, sports and recreation, education,

culture, traffic, and others, officially inform planning professionals about the future needs within each sector in a form of required norms and standards for public land-use. It should be noted that city administration has maintained this role in Serbian planning practice since socialism. However, as various interviewees mentioned, there is no control over the process, no control over the norms actually being incorporated into the planning solution, or developed further.

We also find this 'flexible planning' and reducing and / or abolishing standards and norms for public land-use the neighbourhood case of Stepa Stepanović. Interviewees mentioned the issue of transferring land-use norms and standards from the higher level plan (GUP) to the lower level plan, in this case Urban Project (UP). As one interviewee explained:

*'Initially, we were quite excited to have in our hands a State project. However, plan preparation did not take the course we were hoping for, due to the 'over dimensioned' building regulations that we had to incorporate in plan. Stepa looks like an open block, but in fact is not. The number of floors is too high and it jeopardizes public space. Moreover, it does not include some of the basic SGIs.'*

(PS 17)

Here, the interviewee criticized the State for enhancing a project that exceeded the building regulations of the higher plan (GUP, 2003). They went on to compare Stepa Stepanović neighbourhood with one of the socialist examples of open block neighbourhood:

*'Look at New Belgrade, that is the example of real open-block urbanism - where the construction index is from 1,6 to 1,8. The index for Stepa is much higher than this, around 2,0, and in some places even 2,2. That is quite uncomfortable, with a minimum of green areas, minimum of everything public... I think that during socialism we were more careful about standards and norms that were in fact very generous...'*

(PS 17)



Figure 6.10: 3D same scale view of Block 23 and part of Stepa Stepanović neighbourhood, source: [www.googlemaps.com](http://www.googlemaps.com)

Here, the interviewee advocated the urban typology of the ‘socialist’ open block as being ‘in the public interest’. They compared socialist and contemporary building regulations through the construction index, which is the ratio of gross floor area of the building to the area of the plot. Hence, the lower index in New Belgrade open block indicates more open area on the plot, which was a previous ‘socialist’ norm. Several interviewees discussed the ‘initial excitement’ at being able to plan a public housing project, as the State did in its New Belgrade open blocks. However, they realised that this practice might not happen again due to the pressure for profit that requires higher construction indexes and less open public space. Therefore, as interviewees explained, the norms and standards for public land-use appear adequate ‘on paper’, or in plans. However, when it comes to the actual implementation there is a tendency of reduction, or even abolishment. This point will be further elaborated in Chapter 7 on outcomes.

The above analysis presents findings on the still-present ‘technical approach’ to the treatment of ‘the public interest’ in planning procedures, where planning and implementation of norms and standards for public land-use and SGIs represent the ‘satisfaction of basic public interest’ for most of the interviewees. While they use the criterion of norms and standards to emphasize the value of the socialist legacy of open block and planning in New Belgrade in general, they are mostly critical of current practice that does not allow them to plan such ‘generous’ norms for public spaces and residential densities due to the pressure for profit. The majority of interviewees recognize the all-important role of city administration as controller of minimal and

mandatory standards for planning and implementation of public land-use (Chapter 3, section 3.4.1).

This section considered the procedural treatment of norms and standards for public land-use as ‘the basic public interest in plans’, as well as some of the potential obstacles to their implementation. These findings will later be triangulated and complemented with comparative quantitative analysis of standards for public land-use and SGIs in General Urban Plans from socialism to today, as well as the Detailed Urban Plan for Block 23 and Urban Project for Stepa Stepanović (Chapter 7), which might provide more understanding on the differences between socialist and contemporary standards of development.

The following sections will consider the characteristics of the socialist and contemporary legal framework in order to better understand the normative context where the public interest is framed and articulated.

#### **6.4 Legitimate scope of planning ‘in the public interest’**

One of the main questions derived from Chapter 5 is whether and how the term ‘in the public interest’ provides legality and legitimacy for certain planning decisions. The role of ‘the public interest’ in planning practice during socialism was straightforward - every development that was conducted by the State was legally addressed in ‘the public interest’ based on the Law on Planning and Construction and Law on Expropriation. The Law on Expropriation from 1995 was the first to recognize that only the development of public, non-profit land-use and SGIs was in ‘the public interest’, because profit development became privately owned after a break-down of socialism (Chapter 3, section 3.4.2). One interviewee explained how the public character of the land-use in New Belgrade provided legitimacy for its development:

*‘Of course New Belgrade can be characterized as ‘in the public interest’, it was developed by the State and it provided large scale housing, students’ city, schools, hospitals and other SGIs...’*

(PS 2, emphasis added)

The Serbian socialist order was often described as indigenous and different from other socialist countries of the Eastern Block (Simić, 2008). Yugoslav politicians advocated the political model based on the Marxist ideology, with the economic component of



development being handled by organizations of associated labour, while the policy of nonalignment was present within external politics (Chapter 3, section 3.2.1). One interviewee explained:

*'We had this so called self-management socialism, which was more 'loose' in both economic and control sense, if compared to the Russian model. Most of the decisions were transferred at the municipal level, although the top-down control remained pertinent. And as you know from the contemporary practice, politics always affects urban planning too...'*

(PS 3)

The most serious critique of Yugoslav socialism is that it was introduced

*'...from above by the elite of single-party communism that produced that kind of horizontal structure whose basic activities were not in line with all those spheres of decision-making but were driven by the non-egalitarian political monopoly.'*

(Vujović, 2012:54)

Hence, socialist development can be criticized as 'orchestrated' from above in order to satisfy the interests of the Communist Party.

It can be argued that the distinctiveness of the urban concept of New Belgrade is in line with this ideological and political background as a key factor of its emergence and development, but also the fact that the city is planned and implemented based on the principles of the Athens Charter (Perović, 2008). Various interviewees argued that the purpose of the Athens Charter was to ensure that the generous norms for housing and SGIs were implemented in plans for New Belgrade. However, some of the interviewees mentioned that the Athens Charter also served to provide legitimacy for the State's project that, at the time, symbolized economic and political power, as well as detachment from other socialist models and orientation towards modernism and Western models. One interviewee explained:

*'I am not sure if it was the State's genuine desire to incorporate the principles of the Athens charter in order to show off how modernist or tolerant they are, or was it to demonstrate power and legitimize decisions through that 'fancy' utopian concept... it was probably both, but the most important thing is that it actually was in the interest of the public to have norms and parameters from the Athens Charter incorporated into the plan for New Belgrade...'*

(PS 22)



Hence, it can be assumed that the Athens Charter did serve to scientifically and rationally ground, and to legitimize the development of, New Belgrade. Nevertheless, the consistent implementation of the principles in Athens Charter still serves as a positive example of planning ‘in the public interest’:

*‘I have to say that New Belgrade is probably the only actual example of planning in the public interest in Belgrade. Of course, the public and non-profit character of the land-use is the one that provides legitimacy for the project. New Belgrade is the largest social housing project ever - it is the whole social city with all the complementary SGIs! And naturally, the State as a developer provides legal framework and legitimacy for this development.’*

(PP 4, emphasis added)

Therefore, the legitimacy of New Belgrade as a project ‘in the public interest’ is recognized through the planning of public land-use - large-scale social housing, public infrastructure, complementing SGIs within each block, in line with the requirements of the Athens charter. However, what provides the ultimate legitimacy for the development in New Belgrade is the fact that the State held a role of investor, developer and finally owner of land, with buildings in State, public or societal form of ownership. These remarks also pertain to the neighbourhood case of Block 23, as it was developed in the same wave as the rest of the central part of New Belgrade.

#### **6.4.1 Ensuring legitimacy in contemporary practice**

As both international and Serbian authors suggest (Alexander, 2002; Campbell & Marshall, 2002; Vujošević & Petovar, 2008), one of the most prominent roles of ‘the public interest’ in planning is to legitimize decisions of ‘powerful’ decision-makers. The previous section provided understanding that the socialist development was legitimized as ‘in the public interest’ due to the State’s intervention, the Athens Charter as a scientific base for planning and implementation of urban norms and standards, as well as the development of large-scale public housing with SGIs and administration.

On the other hand, contemporary cases employ different instruments to provide legitimacy for projects as ‘in the public interest’. The State does not use the same sort of scientific base we find in socialist cases, or the public character of development, but aims to reach legitimacy by achieving legality of the project ‘in the public interest’. In the cases of both Belgrade Waterfront and Stepa Stepanović the State adopted a new

legal framework, i.e. *Lex Specialis* or special law that ‘has power’ to abolish all current legal requirements in order to enable future development. *Lex Specialis* proclaimed Belgrade Waterfront to be a project of ‘public and national interest’ in order to allow for the expropriation of privately owned objects, hence, to clear the location and enhance development of this new project. The term ‘public interest’ was thus used to enable the development of the private and commercial project of ‘Belgrade Waterfront’ as opposed to the definition in formal legal framework that defines ‘the public interest’ through public and non-profit land-use. This will be further elaborated here.

One of the main issues at the forefront of the debate around the Belgrade Waterfront project includes the ‘misuse’ or ‘abuse’ of the term ‘in the public interest’ in order to provide legitimacy for the expropriation of land and implement the development of commercial land-use. According to the Law on Expropriation (2013), land and privately owned buildings can only be expropriated if the future development involves public, non-profit land-use and SGIs. As the plan for Belgrade Waterfront project contains around 97% of commercial land-use and residential housing, and 3% of public infrastructure and SGIs (Spatial Plan of Special Purpose, 2015), the State introduced the special law *Lex Specialis* (2014), which abolished the expropriation legislation. Hence, the *Lex Specialis* provided a basis for the expropriation of land and allowed Belgrade Waterfront project to be legally characterized as ‘the project of national and public interest’ (*Lex Specialis*, 2015).

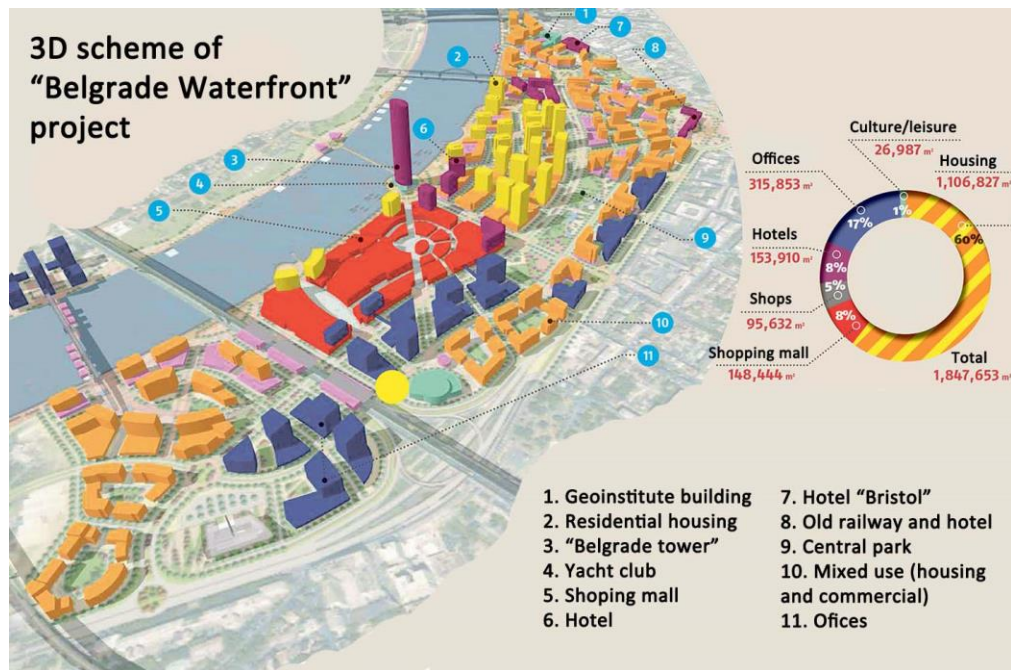


Figure 6.11: 3D Scheme of the Belgrade Waterfront project, source: SPSP (2015)

*Lex Specialis* - the Law on determining the public interest and special expropriation procedures for the purpose of issuing the building permit for the Belgrade Waterfront project was adopted in March 2015. The purpose of this law is to regulate the planning procedures for the purpose of the Belgrade Waterfront project. It also:

- 1) Enabled the special legal status and new legal framework that abolished existing procedures such as expropriation, planning, administrative and control procedures (2015:Article 1);
- 2) Introduced new land-use as 'commercial-housing development with supporting infrastructure' that can require the status of 'the public interest' besides legally defined public land-use (2015: Article 2). In this case, the costs of expropriation are to be covered by the public budget;
- 3) Allowed property rights and the possibility of issuing a construction permit to the investor and financier (2015: Article 15), which is new, since the existing Law on Planning and Construction does not allow the financier property rights over construction land (2014: Article 2);
- 4) Stated that the costs of equipping the construction land will be regulated by a special contract between the City of Belgrade and the Republic of Serbia as users of expropriation (2015: Article 17).

In the case of the Belgrade Waterfront project, the investor is a company from Dubai, while the Government of Serbia is obliged to provide the construction land based on the Joint Venture Agreement (JVA, 2015). According to the agreement, the land is to be

expropriated and equipped with basic infrastructure by the Development Directorate of Belgrade by providing roads, sewage, water, electricity, etc., and as such handed to the private investor (JVA, 2015). Also, based on the contract, the land is rented to the foreign investor for 99 years, while after this time the investor becomes the owner of both buildings and land. This is a novelty in comparison with the previous Law on Planning in Construction (2009) that proclaims that only citizens of Serbia can own land. One interviewee explained:

*'It is a dangerous practice allowing the foreign investors to obtain ownership over the land in the city centre... we are giving away the last serious resource of income we have. And history shows that when something like this happens once, it easily spreads around the whole of Serbia and becomes the part of the official legal framework...'*

(PP 2)

This interviewee presented his concerns about the Belgrade Waterfront project, where *Lex Specialis* allowed transfer of ownership over the valuable city centre land to a foreign private developer. This means that the State is giving up its value and assets in the city centre zone of Belgrade. This interviewee also mentioned the danger of 'isolated' and 'extreme' cases regulated by the special law *Lex Specialis*, which abolishes all existing legal obligations, becoming critical / general cases. This 'dangerous' practice is reflected in the 'flexibility towards the investor' in order to initially 'attract' them by offering the lack of legal instruments that would oblige them to implement the project.

Procedurally, in the case of the Belgrade Waterfront the formal legal framework had to adapt to the requirements of the State and the private investor. This action is characterized by some of the interviewees as an 'inverted procedure', as compared to the standard procedure where initiators, investors and contractors have to act in line with the legal framework. In this case, the list of land-use that can require expropriation is expanded to commercial activities and residential housing. One interviewee explained:

*'Why is this project characterized as in the public and national interest? They are not developing public land-use but [pre]dominantly residential housing / commercial zone that legally cannot require the proclamation of public interest... we are all paying for the expropriation of urban land, from the budget! Why should we pay the expropriation fees for the private investor who is*

*developing a purely profit-based development... that is definitely not in the interest of the public.'*

(PS 19, emphasis added)

When considering the issue of 'inverted' procedures in adopting the legal framework, interviewees also mentioned the 'inverted' procedures in the adoption of the urban plan that would allow issuance of a construction permit (section 6.3.2). In the case of Belgrade Waterfront, this plan is the Spatial Plan of Special Purpose (SPSP, 2015). As the proposed land-use of SPSP (2015) was not in line with the General Urban Plan (GUP, 2003), the legality of the Belgrade Waterfront was regulated through the Amendment of GUP (2014) where former largely public land-use area that contains current main train and bus station terminals, private housing and small-scale retail, was converted into the new, commercial one. Therefore, the Amendment of GUP (2014), the adoption of SPSP (2015) and *Lex Specialis* (2015) provided the new legal and planning basis for the expropriation of land, or, as several interviewees put it, '*land grabbing*' (PS 16).

Another interviewee addressed the role of the State in proclaiming 'the public interest' with the aim of legitimize planning decisions, by explicitly comparing the cases of New Belgrade and the Belgrade Waterfront:

*'New Belgrade, as a socialist example of planning in the public interest, was developed for the purpose of public and non-profit use, where the land and housing stock remained in the public / societal ownership until huge privatisation at the end of the 1990s. In the case of Belgrade Waterfront, expropriation is conducted for the purpose of giving the land for free to private investors and pure commercial development, while that action is financed by the citizens of Belgrade and led by the State... here, urban planning, public land-use and public interest serve as an instrument for robbery and privatization of extremely valuable construction land... that is what poor countries have to do in order to attract foreign investors, or just serve private interests and political oligarchy under the veil of the public interest...'*

(ICR 3)

The interviewee here suggested that the term 'in the public interest' is used only to provide legitimacy for the legal action of expropriation of land. In order to be 'eligible' to require the instrument of expropriation through the *Lex Specialis*, the Belgrade

Waterfront project had to be proclaimed as a project of ‘national and public interest for the Republic of Serbia’ and put on the list of those projects for which the Ministry for Planning, Construction and Transportation is responsible. However, as the Report on the Implementation of the Anti-Corruption National Strategy 2013 – 2018 (2016:234) states,

‘the Belgrade Waterfront project is not on the list of the projects of national and public interest for the Republic of Serbia, which is defined by the Law on Planning and Construction based on which the Government adopts the Conclusion on the special status of the project’

According to the Report on the Implementation of the Anti-Corruption National Strategy 2013 – 2018 (2016:234), the Conclusion on the special status of the project was not available to the general public, which, according to the Law on the Free Access to the Information of the Public Importance (2010), is illegal in the case of the Belgrade Waterfront. Finally,

‘in the process of plan preparation and adoption, numerous deficiencies were spotted of which it is particularly important to mention the lack of transparency of the process, as well as the inexistence of the wide community dialogue’

(Report on the Implementation of the Anti-Corruption National Strategy 2013 – 2018, 2016:231)

The idea that the process of public participation for the purpose of amending the GUP (2014) and adopting the SPSP (2015) was conducted as a form of tokenism, rather than wide and meaningful dialogue, was also mentioned by the interviewees. One interviewee explained:

*‘The main issue about the Belgrade Waterfront project is that we have some sort of perfidious idea of equalizing the notion of public interest with the notion of a public hearing. The fact that the plan is exposed at the City Assembly does not mean that there are legitimate or democratic procedures where citizens can object or support the project... all 2000 complaints finished in the recycle bin...’*

(PS 7)

Here, the interviewee addresses the public hearing as a way to ‘legally cover’ the procedural aspect of the planning process, without the general public having any influence on the process or the outcomes of the project. However, if compared to the socialist example of New Belgrade where there was no legal obligation to include the wider public into the planning process before 1961, it can be concluded that within the

contemporary case there is at least some procedural possibility to address the substantive ‘public interest’ through a public hearing. Nevertheless, the chance to conduct public participation in contemporary cases does not necessarily imply that ‘the public interest’ will be procedurally achieved, which is visible in the previous narrative where the interviewee mentioned 2000 complaints that finished in the recycle bin.

The analysis above provides an insight into some of the contemporary procedural measures that were implemented in order to ‘ensure’ the development was within legal planning regulations. On the other hand, it is highly questionable whether these actions have secured the legitimacy of the Belgrade Waterfront project in reality. This suggestion is based on the fact that 2000 participants at the public hearing complained, while many more participated at the public protests after the adoption of plan (Chapter 7, section 7.3.1).

The findings in this section cannot be entirely generalizable as the Belgrade Waterfront project shows elements of an extreme case that required special a legal framework through *Lex Specialis*, as well as amending the GUP (2014). What these findings might provide is the understanding of the legitimizing role of the term ‘in the public interest’ in the extreme example of large-scale, market-oriented projects, supported by State planning practice within a post-socialist context. On the other hand, there is a possibility that the practice of introducing *Lex Specialis* and changing the higher level plan in order to enable State-backed development is only an initially extreme example that might tend to become more critical so as to allow the development of similar projects in the future. Or, as one interviewee explained: ‘*These harmful practices come ‘through the small window’ but soon spread around whole Serbia like a plague...*’ (ICT 2). Hence, in order to provide more extensive understanding of some of the contemporary procedural steps of planning ‘in the public interest’, the following paragraphs will look at the smaller scale of development.

Stepa Stepanović shows some procedural similarities to the contemporary Belgrade Waterfront project – for example the introduction of another *Lex Specialis* in order to legally justify the State’s involvement into market and development of profit land-use, as well as the change to a higher-level plan (GUP, 2009) in order to adopt the Urban Project Stepa Stepanović and enable the issuance of construction permits.

This neighbourhood-level case employed a slightly different process of plan adoption compared to the Belgrade Waterfront project, thus involving additional procedural developmental aspects:

- 1) The State entering the market and conducting the development of residential housing and public land-use on the former military State owned land,
- 2) Acceleration of procedures of plan adoption in order to obtain construction permits, and,
- 3) Presenting and advertising the economically profitable project as ‘non-profit housing’ for the purpose of conversion of State to public ownership rights over the land, public recognition and legitimacy.

The State adopted the proclaimed *Lex Specialis*: Law on Encouraging Construction during Crisis (2011) in order to conduct the development of the residential housing / commercial zone Stepa Stepanović. As mentioned earlier, in Serbian socialist planning practice the State held the role of investor, developer, and owner of mainly conventional public land-use such are SGIs, public infrastructure or affordable / social housing. Development of public infrastructure and SGIs was and is planned and undertaken by the public institutions and enterprises in charge – Development Directorates (roads and infrastructure), city administration through city budget (social protection, schools, health facilities, kindergartens, and more) and other public enterprises. On the other hand, the development of private, residential housing and commercial activities is left to the private sector or market. The fact that the State is involved in the Stepa Stepanović project as an investor and contractor that provides residential housing and commercial activities is therefore often mentioned within interviews as ‘...*slightly unusual, it reminds of socialist times...*’ (PS 14).

Some interviewees justified the action of the State in terms of ‘*recognizing the economic crisis and employed domestic construction companies in the development of housing*’ (PP 1). However, the legitimacy of this kind of intervention was questioned by some interviewees:

*‘How can the development of pure commercial activities and residential housing be in the public interest?! This is the same manipulation as in the case of Belgrade Waterfront! For each new project we invent and adopt a new legal framework!’*

(PS 10, emphasis added)



Another interviewee explained:

*'Stepa Stepanović is advertised as non-profit, but in fact it is not. Only 20 percent of flats were given away to the Military to compensate for the land. I know lots of people who bought flats in Stepa and the price is market price and not non-profit'*

(PS 9).

The main issue derived from the narratives above is that a number of planning professionals disapprove of the State's entering the market, although this kind of practice is not unusual in some of the traditionally market economy societies in order to help the local economy or provide housing with subsidies for the ones that cannot afford housing at market value. It is possible that this issue might be related to the path-dependency, where some of the interviewees equate State's development with non-profit land-use exclusively. Therefore, any other intervention in space can be observed as illegitimate. One interviewee highlighted the 'illegitimacy' of the State's action in entering the market by developing profitable / residential housing:

*'We are not in socialism any more... what the State was doing in the Stepa Stepanović project is a 'mantra' of the public interest - to develop a couple of flats that they can brag about, gain some political points and leave a legacy behind them... and that must not be the role of State. They need to take care of local governance and not residential housing...'*

(PS 12, emphasis added)

This interviewee disapproves the State's involvement in the market and their view is shared by several other interviewees who argue that *'the State's job is to develop social housing and not residential units'* (PS 2). However, not all of the interviewees share this opinion:

*'I was really excited to be able to work on the State's project. I think that we collectively have trust in the State and we did not mind that it entered the market and acted as an investor because we are sick of greedy private investors that ask for the impossible... and we remember the good quality of development that was completed by the State in the 1950s, the 1960s...'*

(PS 9)

It can be concluded that although the Stepa Stepanović case appears as a contemporary repetition of socialist planning, most of the interviewees do not approve of its repetitive intervention in the market for the purposes of for-profit development because they relate the State's intervention to non-profit development only. Accordingly, the Housing

Directorate's legally binding role within the formal framework implies that they cannot compete in the market. One interviewee explained:

*'As a public institution, the Housing Directorate can develop non-profitable flats / social housing for vulnerable groups, but not for sale at market conditions. Directorate is not founded in that way and it is not allowed to do that - because these things are not in the public interest!'*

(PS 18, emphasis added)

The *Lex Specialis* - Law on Encouraging Construction during Crisis (2011) provides a legal basis for the State to enter the free market as an investor. Moreover, addressing and advertising the project as social and / or non-profit aimed enhancing the legitimacy and public acceptance of the Stepa Stepanović project. Although some of these actions can be characterized as procedural, in chapter 7 they will be revisited as the outcomes of planning 'in the public interest' due to the characteristics of developed housing.

Another procedural characteristic related to both the Belgrade Waterfront and Stepa Stepanović is that the projects required planning instruments that 'have power' to affect changes of General Urban Plan (GUP, 2003) as a higher-level plan. While the Belgrade Waterfront's implementation was ensured through the amended GUP (2014), and the Spatial Plan of Special Purpose (2015) at national level, the Stepa Stepanović project 'skipped' the steps of developing and adopting the Detailed Urban Plan and was realised based on the lowest level planning instrument that would ensure obtaining the construction permit – the Urban Project. These actions were legalized in the *Lex Specialis*. One interviewee explained:

*'By amending the General Urban Plan (GUP), not preparing the Detailed Urban Plan (DUP), but going straight to the adoption of Urban Project (UP) that requires only 7 days of public hearing, the land-use was changed from military barracks to housing. These are some new, accelerated procedures, which besides the new legal framework enhance implementation of the State's project... Well, Stepa was predominantly a political project, I have to admit.'*

(PS 11)

The interviewee here discusses the use of the changed legal and planning framework to accelerate the speed of the plan adoption. Although the State's actions seem extreme, outside of the formal planning practice, and, according to some of the interviewees 'a

political urgency at the time’, one interviewee explained that the procedure for adopting the Stepa Stepanović plan was not the only case in Serbia:

*‘This was not only the practice in Belgrade, but in 4 other cities too. It started off with the abandoned military facilities that represent valuable space to be revitalized, and that is an example of a ‘good will’ of the State. That would not be an issue if the project was not proclaimed ‘in the public interest’ in order to legitimize questionable planning decisions... same as the Belgrade Waterfront project, but I don’t want to talk about that...’*

(PS 17, emphasis added)

This statement highlights the potentially generalizable practice of adopting the parallel planning and legal framework in order to enable issuance of construction permits for State projects that are not necessarily public and non-profit. Talking about these practices, another interviewee explained: *‘This is how legal becomes legitimate and how extreme becomes common’* (PP 2). This statement hints that, while the Belgrade Waterfront and Stepa Stepanović are ‘firstborns’ in relation to the adoption of parallel legal and planning framework to enable State intervention in the market, this might possibly be repeated until it becomes a part of the formal planning practice in Serbia.

The following section will consider the role of planning professionals in socialist and contemporary cases of planning ‘in the public interest’ with the intention of providing a fuller picture of the procedural treatment of the normative, as well as substantive expression of the concept.

## **6.5 The role of planning professionals in planning ‘in the public interest’**

It is interesting to remark that all of the interviewees that participated in this research see themselves as ‘protectors of the public interest’. Some of them related this role to the broader idea of ‘planning for the people of Belgrade’. Some considered the possibility of ‘fighting’ for ‘the public interest’ with other participants in the decision-making arena, such as private investors. Several mentioned the importance of retaining their own ethical reputation within the circumstances characterized by the lack of any professional autonomy and the pressures of leading political parties. These interviewees were concerned about their code of conduct within the projects backed up by the State, where certain aspects of these projects were interfering with their own ethical and professional views.

The actions of Serbian planners have been equated to technocracy, since socialism. During the socialist era, the role of the State was that of ‘central investor’ and initiator of urban development (Čaldarević, 2012; Petovar, 2012), where one of the main issues of socialist planning practice is seen as bureaucracy / political dependency of planning organizations, technocracy of their employees and lack of public participation until late 1960s (Čaldarević, 2012). As one interviewee explained:

*‘Serbian professional organizations in the field of urban planning were para-governmental formations during the socialism. Now, they are practically para-political. So, we didn’t lose autonomy, we never really had it...’*

(PS 5, emphasis added)

Some aspects of Serbian practice appear to have changed together with the market economy orientation, as opposed to socialist self-management order. However, some of them, such as technocratic planning practice or interference of the State in the market, appear to have remained or re-appeared as a socialist legacy, and as such are still surviving within contemporary planning practice (Petovar, 2008). Taking into account some of the changing circumstances of socialist and market planning, this section will seek to address certain aspects of socialist and contemporary planning practice in relation to the role of planners when planning ‘in the public interest’. The question here is how planning professionals are able to cope with their role as ‘protectors of the public interest’, and whether and how has this role changed since the socialist era.

### **6.5.1 The role of planning professionals during socialism**

Spatial and urban planning in Serbia is often described as ‘largely a public sector function’ (Ferenčak, 2015). It can be argued that the public planning institutions were and still are ‘tightly connected’ with the State, from socialism until today. This notion is not pertinent only for Serbian or post-socialist country context, but in other societies, too, where planning deals with development and maintenance of public goods.

New Belgrade was the largest project in socialist Serbia, but it was not the only one. Other cities such as Novi Sad, Kragujevac and Niš were experiencing development of new settlements which required organizational, political, investment, construction, architectural, and urban planning logistics, which until then had not existed (Chapter 3, section 3.2.1). Larger urban settlements required a new network of institutions in the field of urban planning. One interviewee connected the idea of socialist order with the lack of professional autonomy of planners:

*'During socialism the directors of urban planning organizations were members of the communist party, there was a lack of professional autonomy and participation of wider public... However, I have to say that we are experiencing absolutely the same situation today in planning practice in Belgrade...'*

(PS 6)

This interviewee is referring to the continuous issue attached to strong top-down planning doctrine that dates from socialism and is still present in contemporary practice. This statement can be backed-up by the fact that the Planning Commission, as a public body in charge of approving plans, consists of the ruling political party representatives in addition to the planning professionals. Moreover, the decisions concerning plan approval are regulated by voting, which means that any plan could be approved if advocated by a majority of members. The Planning Commission was established by the Planning and Construction Law of 2003. This legislation recognized the Commission for Public Hearing and Experts Discussion, which had a similar task, although without any regulated mandate in terms of majority in voting for approval of plan amendments. Another interviewee was also concerned with the top-down approach to planning, control and bureaucracy during socialism:

*'...Yes, socialist planners operated under the control of the communist party, and they all probably had to be members of party. However, I feel they planned the city based on the real needs and elaborate studies, as opposed to today, where market and political oligarchy direct the planning practice...'*

(PS 4)

This interviewee notes that issues of control did not allow for deliberative planning practice. However, he also justifies the bureaucracy of socialist planning in relation to the rational scientific approach that highlighted the 'real needs' of the city. Along with advocating the scientific approach to socialist planning, another interviewee who worked during socialism explained the importance of planning competitions as a method of 'deliberation' from bureaucratic ideals:

*'Public professional urban and architectural competitions in Yugoslavia had tremendous impact of empowering the planning professionals... First of all, they were obligatory! Planning professionals would enter the competitions and have the opportunity to be asked for their opinion on important matters. Through comparative planning solutions we had an opportunity to educate ourselves, jury, students, other stakeholders and decision-makers and of course citizens...'*

(PS 22, emphasis added)

These large-scale public competitions were conducted for the purpose of developing New Belgrade such as survey studies in 1949 (Dobrović-Macura, Vrbanić, Gavrilović, Ravnikar), a competition for the centre of New Belgrade, as well as a competition for large individual blocks of the central area in New Belgrade. These competitions were often concerned with the possibility for ‘deliberative’ practice, where the opportunity to participate at these events allowed planners to use their technical knowledge to justify planning decisions that might not have been in line with the bureaucratic top-down approach to planning.

By comparing socialist and current planning practices, most of the interviewees considered the issues of ‘everlasting technocracy’, control and lack of transparency of planning procedures. One interviewee explained:

*‘Look at the example of New Belgrade. In the 1950’s we had an international competition for this area, as well as extensive social and economic studies. And all that under State socialism! And now, for the purpose of Belgrade Waterfront project, which is a massive commercial and housing development in the city centre of Belgrade, there is no public competition... You have an investor that came with the predetermined master plan for the core of central Belgrade that predicts no public land-use at all. And that is happening in this so-called democracy and market-oriented ‘free-of-control’ planning... this kind of control that we have today is much more perfidious than the one during socialism, unfortunately... and, we, as planning professionals can but sit and watch.’*

(PS 12, emphasis added)

Here, the interviewee raises several points of comparison between socialist and contemporary planning processes. These are mainly related to the passive role of planning professionals who had no power to affect the contemporary top-down process characterized by the lack of public competition, public discussions or ‘meaningful’ public participation. Another interviewee compared the position of socialist planners with his current responsibilities:

*‘...Now, when I think about New Belgrade I am just amazed how it was even possible to plan and develop something like that... we say that socialist planners were technocrats, but the example of New Belgrade mitigates that notion. No, they were no ‘more technocrats’ than we are today. We are technocrats, and we are not even under socialism anymore! There is no way that we can today plan*

*any residential up-market housing with this kind of generous and humane norms and standards... we have to be obedient...*

(PS 7, emphasis added)

Here, the interviewee mentioned the continuing role of technocratic planning in delivering ‘the public interest’ in relation to possibility to plan and develop ‘such generous norms and standards’ in New Belgrade. Some of them are ‘amazed’ and even ‘jealous’ of socialist planners who had opportunity to work on the socialist project based on the principles of the Athens Charter. Another interviewee mentioned the ‘hard work’ of planning professionals in the socialist era – to respond to the needs of the State and still plan a completely new city based on the principles of functionalism:

*‘...I wish I was one of the planners who worked on that area. At that time planners predicted the cable TV and all the necessary infrastructural space for it... truly amazing... I can’t imagine it easy to handle the pressure from the State and have that kind of freedom to plan this modern city in the era of socialism...’*

(PS 2)

From the narratives above, it appears that some of the interviewees are ‘nostalgic’ for the socialist practice as they compare their daily practice with that of socialist planners. Only a few interviewees who had the opportunity to work during socialism are critical of the State controlled, top-down approach to planning characterized by the lack of public participation, and technocratic practice that operated at the time. This stance might be traced to path-dependency, with planners using the socialist era as a benchmark, a time when planning and implementation of ‘the public interest’ through public land-use and SGIs was ‘guaranteed’. In contemporary planning the circumstances have changed and *‘both corrupt politicians and private developers do not see public land-use and provision of basic SGIs as complementary land-use to profit development’* (PS 5). This will be further elaborated in the following section.

### **6.5.2 The role of planning professionals in contemporary practice**

According to Petovar (2008:6), the 1970s and 1980s mark a ‘golden age’ in wide and participatory practice, where planning professionals acted more as mediators than technocrats. While the 1990s were often described as an ‘era of discontinuity’ due to the wars and embargo, after the elections in 2000 and the victory of the Democratic Party, it was expected that the profession would ‘reclaim its autonomy’ (Petovar, 2008). However, as one interviewee explained,

*'Instead of para-governmental, we have obtained para-political party institutions and their representatives at leading positions, while vast numbers of planners and architects in the public sector are worried about their shaky positions.'*

(PS 5)

Most of the interviews indicate that the idea of the planner as a technocrat operating within the 'given' environment is a characteristic of both socialist and contemporary planning practices. Technocracy here does not only refer to the technical education where protection of norms and standards for public land-use is the 'basic public interest'. It also refers to the strong top-down orientation of planning and the lack of meaningful participation of the public, where they often explain that *'in this alleged democracy, there is nothing I can do about it'* (PS 16). As strikingly expressed by one interviewee:

*'We were that lucky that for 20 years of working in the Belgrade planning Commission, we were never instructed to make any kind of decisions except our own. However, I must be honest, the X project was the first time we had to listen to instructions from above... I just got a phone call... that was horrible...'*

(PS 16)

With the Belgrade Waterfront case, the notion of responsibility and the attitude of planners towards the influence of the State coupled with private investors came to the forefront of the debate during the public hearing on the draft SPSP (2015) – referred to as PD 1 hereafter. After planning professionals explained the main features of the plan, the public and representatives of architectural and planning organizations had the opportunity to make comments and ask questions. One representative of the public expressed his view of the Belgrade Waterfront project by reminding the planners that *'this plan is your responsibility'* and *'all of this that you created and presented here today is what you are going to leave to future generations'* (PD 1). Here, the participant emphasized the responsibility of planning professionals for the future look of Belgrade. He expressed concern that the Belgrade Waterfront project *'is not providing enough to the people of Belgrade, but only to the private investors close to politicians'* (PD 1). Another participant at the same public discussion described the position of planning professionals in this project saying that *'I would not like to be in your skin now'* and *'your position is extremely hard and uncomfortable'* (PD 1). This



participant referred to the 2000 complaints that the SPSP (2015) obtained at the public hearing, which we will consider in the following section.

Another participant at the same public discussion pointed out at the responsibility of planning professionals with regards to *'the harmful Belgrade Waterfront project'* (PD 1). However, he did not blame the planners and offered *'understanding towards the difficulties when handling the interests of State and private investor'* (PD 1) where planners are *'forced to make compromises'*. He explained:

*'I do understand that you as planners are in a very hard position at the moment, that you are forced to make compromises, that you are afraid not to be fired when there is always someone more obedient to take your place. Why don't you use us, as individuals? We want to help you! We want to get better solutions that are going to be acceptable to the people of Belgrade, and not only to the investors and politicians! Use us to protect your honour and your expertise, because maybe one day someone will say: this man is responsible for this horrendous project with bad planning solutions without even 'demonstratively' resigning...'*

(PD 1, emphasis added)

Here, the participant 'offered help' to planning professionals by recommending a more transparent procedure of public hearing, to protect their ethics under the influence of political pressures for the purpose of adopting the SPSP Belgrade Waterfront.

However, from all of the planning professional's stories, it appears that only some of them think that what is in 'the public interest' can be reached and protected through the bottom-up participatory process. At the same time, all of them think that they advocate for 'the public interest' in the plan preparation phase, while some even consider themselves to be the 'last protectors of the public interest'. Or, as one interviewee explained: *'we have put [up] a good 'fight' for the public land-use in this plan. I think that we, planners, are probably the last 'warriors' for the public interest.'* (PS 13).

Although most of the interviewees discussed the difficulties with regards to the top-down approach to planning and State's / political party control over the process, not all of them agreed that there was nothing to be done in this situation. Some of them recommended skills and knowledge that professionals need to possess in order to 'fight

for the public interest' within current market-economy conditions. With this in mind, one interviewee explained:

*'I have a feeling that many colleagues from the planning profession look at this only as a technical assignment. Technical knowledge was maybe sufficient during socialism, but not anymore. In market oriented planning we need to be able to understand broad context, forms of ownership, different actors, interests, implementation, finances...'*

(ICR 1)

This statement is in line with the much broader issue of the still-present technocratic approach to planning practice where planning practitioners do not conduct any economic estimates prior to or during the plan preparation. With this in mind, several participants at public discussions (PD 1 and PD 2) raised the issue of unrealistic cost estimates as a

*'...constant issue of Serbian planning practice' where 'the costs of project increase 10 to 15 times in relation to the estimates, and where the investor is not legally obliged to implement the development.'*

(PD 2)

This statement raises the general issue of planning and development practices outside the Serbian framework only, where the costs of the project multiply in relation to the initial estimates. However, in this case the unrealistic cost estimates are related to the *'ridiculous Serbian planning practice that lacks economic feasibility studies as an obligatory part of planning documentation'* (PD 2). Some of the interviewees in this research perceived the lack of care for the economic aspects of development as a *'relic from the socialist era when the State took care of everything and we acted as technocrats only'* (PD 1).

The narratives testify to the effects of path-dependency on Serbian planning practitioners. As such, they might provide an understanding of why most of the planning practitioners interviewed for the purpose of this research separate 'the public interest' from the economic interest. They claim that *'the public interest is not the same as the economic interest'* (PS 4), while some of them go even further by saying that *'in the Belgrade Waterfront case the public interest was abolished in order for the private economic interest to be implemented'* (NGO 2). Some of these narratives might also explain why the majority of planning professionals perceive the implementation of

public land-use and SGIs as in ‘the basic public interest’, even though the new legal framework (*Lex Specialis*) extended this definition to profit and commercial land-use.

Most of the interviewees in this research criticized the Stepa Stepanović case because the State developed for-profit flats which exceeded allowed norms for housing, but also failed to provide some of the basic SGIs while allowing the emergence of certain private interests. The outcomes of the Stepa Stepanović case will be addressed in the following chapter. This section will only mention some of the attitudes of planning professionals towards the lack of implementation of basic SGIs as well as the shortened process of public hearing. One interviewee explained:

*‘Sometimes it happens that the whole planning solution suffers deviation within the implementation phase, which is to some extent visible in the example of Stepa Stepanović [what is private health care doing on public land?!]. However, that is something that is out of our jurisdiction as planners...’*

(PS 7, emphasis added)

This kind of statement can represent an example of the ‘*technocratic approach to planning which, in the planner’s view, minimizes their responsibility*’ (ICR 1). Besides the path-dependency, the attitude of the PS 7 can be explained by the lack of trust in contemporary regulatory mechanisms to implement the plan. Another interviewee mentioned that ‘*the public interest in a form of public land-use on paper always gets reduced or even abolished when actually implemented*’ (PS 8).

Another, perhaps more extreme example of the ‘passive’ attitude of planning professionals towards the implementation of procedural ‘public interest’ was identified in the narratives concerning the process of public participation in UP Stepa Stepanović:

*‘There was no need for the public hearing in the case of Stepa Stepanović. The land was already public, and we had permission from the military to continue with development. And why would anyone oppose the project when we only planned some affordable housing there?’*

(PS 18, emphasis added)

This statement reveals a ‘bureaucratic way of thinking’, where the advertised non-profit character of the project as well as the former State / military ownership over the land instantly provides justification for the short length of public hearing and the lack of engagement of the general public. While some of these points will be further addressed in the following section on the role of the public in planning ‘in the public interest’, this

section aimed to present some of the narratives that relate to the attitude of planning professionals in relation to contemporary examples.

After considering the ‘top-down’ role of norms and standards and the legal framework as the normative expression of ‘the public interest’ in planning, as well as the role and attitude of planning professionals in this matter, the next section will look at public participation as an instrument of the bottom-up, substantive approach to obtaining an understanding of what is in the interest of public.

## **6.6 ‘Public interest’ as ‘the interest of public’**

When asked to explain how they perceive the expression ‘the public interest’ in planning process, most of the interviewees discussed the importance of consistent implementation of norms and standards for public land-use, as well as the characteristics of the legal framework attached to the instrument of expropriation. Only some interviewees mentioned public participation as a possibility to define and implement ‘the public interest’: *‘For me, the ultimate public interest is when the public is included in plan preparation, of course’* (PS 17). This section will seek to explain the possibilities of reaching a substantive, bottom-up understanding of ‘what is in the public interest’ through public participation.

### **6.6.1 Addressing the interest of public during socialism**

The form of public participation has significantly changed since socialism (Chapter 3, section 3.5.3). This and the subsequent section will aim to address some of these changes on the socialist and contemporary cases of planning ‘in the public interest’.

When asked to explain if and how the procedures of public participation were handled during socialism, most of the interviewees looked confused:

*‘...What do you mean by public hearing? I don’t think there was any public hearing in 1948 when the plan for New Belgrade was adopted... well, I guess they did advertise the project and discussed it with professionals from various fields, but I doubt there was any inclusion of the wider public...’*

(PS 4, emphasis added)

Planning experts that work in both private and public institutions agreed that there was lack of inclusion of a wider public into the planning procedures until the 1960s, although the legal obligation to conduct a public hearing was first introduced in the

Resolution on General Urban Plan (1949). Some of the interviewees highlighted the dilemma during some of the first attempts of including the general public during socialism:

*'How to include general public in the procedures of plan preparation? It wasn't easy. There were lots of possibilities as well as lots of limitations... the public hearing on the Draft Plan had both an organizational and technical character... However, we didn't have any experience on how to actually do this in practice! There was no tradition of public participation before the 1960s. So, what we had to do was to organize some informal ways of including the general public, in addition to the formal procedure of public hearing...'*

(PS 22, emphasis added)

One of the earliest known examples of implemented public participation was held in Belgrade, with the General Urban Plan (1972) being the first 'testing ground' for extended public participation, both formal and informal (meaning not obligatory) (GUP, 1972). At that time the new Planning Law from 1965 was enforced and with more detailed procedures on how to realize public participation. Besides the formal public hearing on the Draft Plan that was conducted through 120 meetings, an additional, informal procedure of public participation was conducted prior to the Draft Plan. The following methods of participation were used: informing the general public through media, exhibitions and public discussion; organization of questionnaires, and public discussions with planning experts in the pre-Draft phase. As one interviewee explained: *'...that was a proper step forward... it's so avant-garde even when compared to the current practice'* (PS 22).

According to the GUP from 1972, questionnaires were given to around 2000 citizens older than 18. They consisted of 63 questions concerning the preferred direction of city development, housing, buildings, the preferred number of storeys, inter-neighbourhood relations, and leisure time. As explained in the GUP (1972:36) 'these questionnaires provided valuable data concerned with the future direction of development on both micro and macro level'.

An intermediate stage of public participation on the pre-Draft Plan was introduced as a novelty and was part of an informal procedure. As one interviewee explained: *'it was going on for three months and conducted through discussions and consultations. We tried to examine the public opinion on the pre-Draft Plan'* (PS 21). As discussed in the GUP (1972:36), this stage of informal public participation was conducted in the form of

meetings that included professionals from different backgrounds, political representatives and the general public, to provide opinions, advice, comments, and suggestions. Table 6.1 shows some data of the informal participation during plan preparation (GUP, 1972).

	Meetings with political representatives	Meetings with institutions' representatives	Other meetings	Total meetings	No. of participants	Average no. per meeting
Discussion on the pre- Draft Plan	36	38	21	95	3014	31,7

Table 6.1: Overview of conducted meetings and number of participants in the intermediate stage of plan preparation (GUP 1972: 35)

Analysis of the public participation procedure for the purpose of adopting the plan was presented in the GUP (1972:35):

‘...citizens do care about economic aspect of development...despite the rational, normative and material assumptions, plan may contain an amount of less measurable inputs that are concerned with the relations within community, as well as with built environment...’

According to the GUP (1972), informal public discussion enhanced understanding of the community’s actual needs, but also served to affirm general and individual interests: ‘...it helped us to define what is in the public interest, while acknowledging the existence of various individual or local interests...’ (PS 21).

The case of Block 23 provides some valuable data when it comes to the treatment of public participation. Mainly, the data on the public hearing for the purpose of adopting the Amendment of DUP for Block 23 (1987) shows the scope of the complaints put forward by the citizens, as well as the answers provided by planning professionals at the event. Most of the citizens’ questions were related to the commercialization of Block 23, a novelty at the time of socialism. They were concerned with the purpose of new office buildings that replaced the ‘city centre activities’ as the former public land-use in the original DUP for Block 23. This complaint was accepted and planners had to provide more detailed explanation within the plan. The public were also concerned about the renovation of top floor communal spaces into additional non-profit housing, leading to a possible increasing population density in their neighbourhood. The leading planner explained that this increase would still remain in line with the norm for density in the GUP (1972). Last but not the least, citizens were unhappy that the plan was

named as ‘DUP for Block 23’ – they complained that the term ‘block’ represents the ‘fascist legacy’ and suggested the name of the famous revolutionary Milentije Popovic instead. This complaint was also accepted.

Content analysis of the Laws on Planning and Construction as well as certain plans from the socialist era after the 1960s do highlight the importance of wider public participation. However, one interviewee raised the issue of actual versus declaratory treatment of public opinion during socialism:

*‘We have to consider something else... did those public consultations in the 1970s have actual influence on the plan? How many complaints were actually accepted by the Planning Commission which was not a politically autonomous body? We don't have any data that would show this... I am not sure if this public engagement was only declarative in order to provide legitimacy for planning decisions, as we are experiencing today.’*

(ICR 3, emphasis added)

Here, the interviewee based their statement on the possibility that the public hearing served only declaratively, to justify planning decisions and achieve public approval. Therefore, a plan can be characterized as ‘in the public interest’ but without any understanding if and how the participant’s opinion was taken into consideration and incorporated into the plan. The same interviewee went on to explain:

*‘We have a fresh example of that kind of practice on the Belgrade Waterfront project where all 2000 complaints from the public hearing were refused... What is also interesting? We were pioneering participation in the 1970s and we were famous worldwide. But it took us more than 40 years to incorporate early participation before the draft plan into the legal procedure via amended Planning Law from 2014... Although, there were attempts in the 1984 Planning Law, but that failed.’*

(ICR 3, emphasis added)

Here, the interviewee also addressed the problematic enforcement of the law and implementation of early public participation as an instrument for ‘balancing public and private interest’ and ‘reaching the common understanding of what is the public interest’ (ICR 3) into the procedures. This can be seen as a characteristic of both socialist and contemporary planning practice, while this research provides only some substantive empirical data relating to the ‘golden era’ in planning and where public participation was extensively practiced (Chapter 3, section 3.5.3).

### 6.6.2 *The interest of the public in contemporary planning*

Public participation for the purpose of adopting the Amendment of the GUP (2014) and the SPSP (2015) Belgrade Waterfront received great interest from both the general and professional public, the NGO sector and media. The researcher was present at the public hearing for the purpose of adopting the SPSP (2015), where most criticism for the project was in line with the lack of public architectural competition, the change in the legal framework to legitimize State financing of the private project from the public budget, the domination of investor's interests, the abolition of existing urban norms and relocation of the main train station from the city centre (further addressed in Chapter 7). However, the major procedural issue with the Belgrade Waterfront project was what was described by numerous interviewees as the 'existing, but manipulated public hearing'. One interviewee explained:

*'We have received 2000 complaints! The important momentum here is that the whole project was closely followed by the people from architectural and planning practices that were not included in this project. For some other plans on a similar scale to Belgrade Waterfront, you would not obtain more than 200 complaints from citizens. This was an absolute record! The only issue here is that all 2000 complaints will finish in the bin...'*

(PS 11, emphasis added)

This interviewee discusses the notion of strong public response to the Belgrade Waterfront project. On the other hand, interviewees also criticize the general public for 'not being responsive enough' and 'fighting only for their own private interests' (Chapter 5, section 5.2). The public hearing for the purpose of adopting SPSP (2015) can thus be seen as an extreme example of public engagement, with both professional and general public objecting to the Belgrade Waterfront development (Figure 6.11).





Figure 6.12 General and professional public protesting at the public hearing for the adoption of Amendment the GUP (2014) – STOP THE INVESTOR’S PLANNING, source: ‘Ministry of space’/Facebook page

Another point raised in the above narrative is the role of the public hearing to legitimize decisions, without any real effect on them. This relates to the still present rational approach to planning, even though the ruling ideology of socialism has been replaced with a democratic one. In this case the desired outcomes were defined by the State and private investor, while the procedures of adhering to a legal and planning framework, as well as public participation, were arranged so as not to disturb the implementation of the project. Another action in line with this approach was related to the pre-determined plan based on the wishes of investor without the public competition, and demolition of the main railway station. After the public hearing for the purpose of adoption of the SPSP Belgrade Waterfront, one interviewee explained:

*‘Oh God, the public hearing for the adoption of SPSP Belgrade Waterfront was a proper mess! People are annoyed because the project was ‘informally’ adopted long before we even made SPSP (2015) and presented it to the public...’*

(PS 3)

Some of the main concerns at the public hearing were related to the non-transparent procedures and the fact that the central area of Belgrade was not subjected to public scrutiny or competition. However, none of the complaints were replied to by the officials representing the project at public hearing. As a reaction after the public hearing event, one interviewee explained:

*‘The public is completely right. How can it be that the central area of Belgrade of 180 ha, is not subject to national or international competition? Moreover, they are moving the main train station from this central zone! Through public competition we should have obtained a couple of suggestions for Sava River Amphitheatre to choose from! And not like this, a foreign investor who has some experience in the development of Dubai comes to Serbia and presents a Master Plan of something that is not suitable for our local context...’*

(PS 21, emphasis added)

Another interviewee discussed the issue of the ‘orchestrated’ approach to planning and its effect on the purpose of public hearing:

*‘...In the Belgrade Waterfront example, the investor’s interest was much stronger than the public interest. Strange procedures of adopting the new legal framework, changing the higher-level plan and lacking the public competition for the central area of Belgrade abolished any notion of existence or meaning of the public hearing, too.’*

(PS 18)

The interviewee here discusses the way the ‘orchestrated’ procedures of plan adoption also affected the relevance of the public hearing, which served to give the Belgrade Waterfront project public legitimacy. Regarding this case, most of the interviewees mentioned the investor’s approach to planning as dominant, it being difficult to distinguish their role as professionals. In these circumstances, the technocratic role of planner appears as the dominant one, too. Additionally, it should be noted that the majority of interviewees clearly distinguish the ‘investor’s interest’ and ‘the public interest’ as two separate and opposing grounds. Hence, it can be argued that they still associate ‘the public interest’ with the State’s action in developing public goods.

A similar ‘declarative’ approach to conducting the public hearing was seen in the Stepa Stepanović case. This case employed accelerated procedure for adopting the Urban Project (UP) without the Detailed Urban Plan, which affected the public engagement

process too. One interviewee explained why the public engagement process was so short:

*‘That development was political and therefore very urgent so there was no time for Detailed Urban Plan (DUP). Of course, that affected the length of public hearing, too. It was very short, only 7 days, and only couple of people came to see the plan, which is unusual considering that Stepa Stepanović is a massive new neighbourhood!’*

(PS 20, emphasis added)

The public hearing regarding the adoption of the UP Stepa Stepanović was 7 days long (including 2 days of weekend), which is different to the formal procedure of 30 days of public hearing for the adoption of General or Detailed urban plan. It should be mentioned that the researcher had problems in accessing the report on the public hearing, as it was not the part of the official planning documentation. Later on, and thanks to the kindness of one of the interviewees, the researcher managed to obtain this data. There were overall 4 complaints received and one of them was related to the length and *‘the non-transparent character of the public hearing that is organized in the middle of summer when no one is in Belgrade’* (quote from the complaint).

The findings on the nature of public engagement on the Stepa Stepanović project appear similar to that of the Belgrade Waterfront in terms of the political urgency that caused the lack of transparency of the planning procedures and tokenism in performing a public hearing. Here, the advertised nature of the project as non-profit housing, as well as the previous State ownership of the land provides legitimacy for the project to be characterized as ‘in the public interest’, and therefore by default ‘desirable’. In those circumstances, the technocratic role of some of the planning professionals comes to the forefront by declaring that *‘there is no need to include the general public as there would be no one to complain to about this planning solution’* (PS 7).

With that in mind, perhaps it is useful to mention an experience of one planning practitioner at a certain public hearing that was not conducted for the purpose of adopting any of the contemporary plans mentioned above:

*‘During my work at the public hearing for the X plan, many of senior colleagues told us, younger planners, to go to the event and talk to people. I felt like they were avoiding the event. Citizens were standing in long lines and only three of us had computers to show them new land-use and norms for their plots. The rest were left*

*to try to find out information from the maps on the wall, where there was no chance they could see anything due to the resolution of plans. For me it was astonishing how not one of the senior colleagues was bothered to come help us out, because these are the situations where you basically tell people a 'life mattering' information...'*

(PS 5)

The interviewee talked about their experience at a certain public hearing event, and explained how the senior planners had a passive attitude towards the general public present at the event. The information might be 'life mattering' insofar as it could pertain to the fact that, for example, the citizen owns a plot that was for the last couple of decades planned as a land-use that is not suitable for construction. During the public hearing they might find out that the land-use of the area has been changed to construction land, which means that citizens can develop residential housing or commercial land-use according to the norms and regulations from the plan. Or, for example, the new plan predicts a school or hospital close to their home, which was not available before. For some people present at the public hearing, this information is extremely important, as the researcher herself had an opportunity to witness.

## **6.7 Concluding remarks**

Considering the measures taken to ensure that 'the public interest' is served in planning processes and procedures, allowed for an insight into a normative as well as substantive articulation of the concept. The analysis above provided an initial step towards investigating the possible causal relationship between planning 'in the public interest' and achieving 'the public interest' in outcomes, which will be the task of the following chapter. It should be mentioned that although it is possible to distinguish procedural aspects of planning 'in the public interest' through the proposed dimensions of planning practice (planning of norms and standards for public land-use, the relation between legality and legitimacy, the role of planning professionals and the role of public engagement), some of these dimensions are constantly overlapping in this analysis. Therefore, it can be assumed that both normative and substantive dimensions of planning process should not be observed as separate spheres.

This analysis, as concerned with planning of norms and standards, presents findings on the 'technical approach' to the treatment of 'the public interest' in planning procedures. The implementation of generous norms for public land-use and SGIs represent the

‘satisfaction of basic public interest’ for most of the interviewees in this research. While they perceive socialist planning as ‘good planning’ based on the scientific approach and Athens Charter, the value of the socialist legacy of open block and generosity of planning standards in New Belgrade in general, they are by and large critical of the current approach to issues in planning and implementation of norms for public land-use. The majority of interviewees recognize the all-important traditional role of the city administration as controller of providing minimal and mandatory standards for planning of public land-use, since socialism (Chapter 3, section 3.4.1). Moreover, the interviewees identify the State and ‘greedy private investors’ who do not recognize public land-use as complementary to private and commercial development as the ‘main threat’ to the implementation of ‘the public interest’.

By considering the procedural aspect of legality and legitimacy of State developments since socialism, it seems that, in comparison to socialism, ‘the public interest’ holds a much more complex role within current planning practice (Table 6.1). In providing legitimacy through ‘the public interest’, socialist planning practice seems ‘robust’, rigid and enforced by the State; its definition is straightforward and its implementation adheres to the norms and standards for public land-use from urban plans and the Athens Charter. Contemporary practices, on the other hand, back-up the legitimate scope of ‘the public interest’ by adopting a new, parallel legal and planning framework and by changing its meaning, so that the development of public land-use and SGIs (Law on Expropriation) is replaced by the development of private and commercial land-use (*Lex Specialis*). In addition, these cases show that contemporary practice aims for ‘inverted’ procedures where the legal framework is adapted in line with the specific, private developments, and where the requirements from the higher level plan (GUP) are amended in line with these by adopting the parallel system of planning documents such as Spatial Plan of Special Purpose and Urban Project.

Another issue that concerns interviewees is the State’s role in plan preparation and the adoption process in both contemporary cases. The Report on the Implementation of the Anti-Corruption National Strategy 2013 – 2018 (2016) highlights procedures which appear to be, not only illegitimate, but rather arbitrary or even illegal, so as to assure the implementation of the Belgrade Waterfront project. On the other hand, interviewees expressed reluctance to accept the State entering the market and developing profit land-use in the Stepa Stepanović case. While these actions could be potentially justified by a

policy of State intervention to counter cyclical downturn in economy and stimulate economic activity and housing supply, it might also suggest that planning professionals find it difficult to detach the notion of State intervention in planning and development from the provision of public goods, as a sign of path-dependency.

The technocratic role of planning professionals is often characterized as ‘similar to or even worse than’ the era of socialism (from interviews). Most planning professionals perceive technical knowledge and implementation of minimal norms and standards for public land-use as a sufficient or basic instrument to protect ‘the public interest’ in the planning process. Based on this criterion, they single out New Belgrade as the ‘best example’ of planning ‘in the public interest’. While only some of the interviewees perceive public participation as a means to obtaining an insight of the bottom-up, substantive expression of ‘the public interest’, most of them express a passive attitude when it comes to conducting a wide and meaningful process of public engagement. This attitude might be rooted in an understanding that *‘whatever happens at the public hearing, the decisions will be made in line with political preferences’* (PS 4). The Belgrade Waterfront is thus often considered an example of tokenistic practice, while the case of Stepa Stepanović shows similar findings at a smaller scale of development.

It should be noted that all of the interviewees in this research consider themselves to be ‘protectors of the public interest’, relating ‘flexible’ or ‘investor’s’ planning to difficulties in adapting to the free market economy. In this context, it is important to mention that a number of interviewed planning professionals repetitively mention that ‘the public interest’ is not the same as the ‘investor’s interest’. This statement might suggest that the traditional notion of ‘the public interest’ equated with the State’s intervention and provision of public goods remained prominent within contemporary market economy circumstances, as a sign of path-dependency. Moreover, the separation of public and private economic interests might relate to planners’ difficulties in daily practice, where they had to ‘put up a fight’ in order to insure implementation of basic public goods as non-profit land-use, due to the pressures of profit and lack of legal and control mechanisms to ensure the implementation of public land-use. Hence, although traditionally neo-liberal societies might equate the notion of private and public interest in line with the utilitarian approach, these are, according to the majority of interviewees in this research, often considered to be opposing dimensions.

	<b>Process (socialist)</b>	<b>Process (contemporary)</b>
<b>Norms and standards</b>	<ul style="list-style-type: none"> <li>- Consistent implementation of norms and standards for public, non-profit land use and SGIs until 1985.</li> <li>- Staying in line with the norms proposed in city-level plans and consistent implementation of standards for the 'open block' at neighbourhood level</li> </ul>	<ul style="list-style-type: none"> <li>- Abolition of the 'Study on high-rise buildings' (2010)</li> <li>- Parallel plans to regulate the implementation of norms and standards for public, non-profit land use and SGIs</li> <li>- Exceeding the norms proposed in city-level plans and exceeded norms for the 'open block' at neighbourhood level;</li> </ul>
<b>Legal as legitimate</b>	<ul style="list-style-type: none"> <li>- Commitment to Athens charter (scientific approach to planning and 'applied functionalism')</li> <li>- Non-profit character of development</li> <li>- State intervention to provide legitimacy</li> <li>- 'Strong' legal framework and commitment to its implementation</li> </ul>	<ul style="list-style-type: none"> <li>- Profit as an addition to the non-profit character of development</li> <li>- State intervention to provide legitimacy,</li> <li>- Parallel legal and planning framework to provide legality,</li> </ul>
<b>The role of planning professionals</b>	<ul style="list-style-type: none"> <li>- Technocracy based on the rational / scientific approach to planning</li> </ul>	<ul style="list-style-type: none"> <li>- Contemporary technocracy</li> </ul>
<b>Public participation and availability of information</b>	<ul style="list-style-type: none"> <li>- Lack of mandatory public participation until 1960s</li> <li>- Existing public competitions</li> </ul>	<ul style="list-style-type: none"> <li>- Declaratory public participation</li> <li>- Lack of public competitions</li> </ul>

Table 6.2: Socialist and contemporary process of planning 'in the public interest'

Many interviewees are 'nostalgic' and remark that although socialist planning practice was much more controlled and planners operated according to set procedures, the city was planned well, based on extensive scientific research which led to the development of generous norms and standards for public land-use. One of the differences between socialist and current planning, as drawn from the case study analysis, is the lack of analysis and crosschecking of planning solutions through public competitions in contemporary practice. This implies that although socialist planning practice was predominately top-down and characterized by limited public participation, it had 'robust' procedural codes to be respected. Involvement in the public competition thus meant a certain level of 'deliberation' of bureaucracy in a professional sense. It should be mentioned that the socialist notion of 'deliberation' largely differs from the contemporary and democratic one, which, besides other procedural particularities, implies wide and meaningful participatory processes that empower both the general public as well as planning practitioners (Forester, 1999).

In relation to the role of public participation as an instrument for considering 'public interest' from the bottom-up, it seems the contemporary cases of the Belgrade

Waterfront project and Stepa Stepanović show a tendency toward increasing the level of transparency of planning procedures, as compared with the early socialist era. This is achieved through the involvement of the general, professional public and other stakeholders, although this is less impressive when compared to the later socialist era, when ‘wide and meaningful’ inclusion of the public occurred in the 1970s and 1980s. From this perspective, the opportunity for the public to see the plans for the future look of their city or neighbourhood, or to complain about possible planning solutions in contemporary practice, does represent a possibility to conduct a ‘meaningful’ participatory planning process. However, the findings from contemporary cases imply that these changes appear to be only declarative, tokenistic and directed towards legitimizing planning decisions. One of the main aims of this research is hence to examine whether the existence of the public hearing as a procedural expression of ‘the public interest’ implies that ‘the public interest’ will also be achieved in the outcomes of contemporary cases.

From the present analysis it seems evident that what is ‘in the public interest’ should not be observed solely as a value-neutral category, imposed through the top-down instruments of the legal framework. The normative dimensions are closely related to the substantive articulations of ‘the public interest’ in planning. However, as Fainstein (2005) remarks, it is not enough to observe processes only, if one intends to evaluate planning theory - process and outcomes of planning should not be observed as separate spheres. The following chapter will thus address the possible and actual outcomes of socialist and contemporary cases of planning ‘in the public interest’, in order to examine their potential causality and to provide a basis for re-evaluating planning theory.



## **Chapter 7 ‘The public interest’ in the outcomes of socialist and post-socialist planning practice in Serbia**

### **7.1 Introduction**

Going beyond analysing the procedures used to implement ‘the public interest’ (Chapter 6), this chapter will aim to provide an insight into the articulation of ‘the public interest’ in potential and actual outcomes of socialist and post-socialist cases. In so doing, this research allows for a distinction between the potential causal relations between process and outcomes of planning ‘in the public interest’. It could thus serve as a basis for re-evaluating the theoretical treatment of ‘the public interest’ concept in planning theory (Chapter 8). Moreover, this research could lead to recommendations on procedural measures required to assure that the public interest is being served in the outcomes of urban planning and development (Chapter 9).

The analysis of the ‘process’ took into account the qualitative data as well as content analysis of the planning and legal framework, referring to four normative and substantive dimensions of planning practice where ‘the public interest’ is procedurally articulated. The analysis of ‘outcomes’ will take into account data obtained from content and quantitative overview of plans as well as qualitative data that refer to actual and potential outcomes of socialist and contemporary cases of planning ‘in the public interest’. Firstly, it will present an overview of trends in the treatment of ‘the public interest’ through balances, norms and standards for public land-use and SGIs in the generation of city level plans (GUPs) from socialism until today. It will also consider the changes between the neighbourhood level plans for Block 23 and Stepa Stepanović neighbourhood to show changes in treatment of the normative expression of ‘the public interest’ between smaller scale socialist and contemporary cases. It will go on to present an analysis of narratives that reflect the perception of planning professionals and some residents of neighbourhood cases on the actual (Stepa Stepanović, New Belgrade and Block 23) and potential outcomes of socialist and contemporary (Belgrade Waterfront) planning practice ‘in the public interest’. It is expected that the triangulation of qualitative and quantitative data would provide a fuller image of the changing notion of ‘the public interest’ in the outcomes of planning practices.

## **7.2 Public good norms and standards in city-level plans - GUPs**

This section will present a content and basic quantitative analysis of balances of land-use at city level, which represent the ratio of the area occupied by each land-use within the overall area of the GUP; and changes of norms and standards for planning of public land-use at city-level expressed in m<sup>2</sup> per inhabitant, from socialism until today. The purpose of this section is to identify the trends in reduction and / or increase of norms and standards concerning the treatment of ‘the public interest’ within plans. It should be mentioned that, although housing land-use has not been regarded as public land-use since the 1990s, due to the privatization of housing stock, this chapter will include it in order to compare norms and standards within current and previous city and neighbourhood-level plans. This broadly objective data, triangulated with qualitative findings, should lead to a better understanding of the potential outcomes of socialist and post-socialist planning practice.

The layout of the City of Belgrade has drastically changed since 1950, both spatially and in terms of land-use. The area of Belgrade that was included within the GUP (1950) occupied 8150 ha and expanded to 76 602 ha in the GUP (2003). As the borders of the GUP were expanding, the city had to meet the needs of the growing community by providing housing stock and services. Whereas all development during socialism had to respond to the requirements of the State, the market economy introduced priorities mainly in line with the development of commercial services.

A broad analysis of planning legislation resulted in the findings that ‘the public interest’ has experienced a changing role in line with the ownership over the urban land during socialism and market economy circumstances (Chapter 3, section 3.5.2). It is evident that political, economic and societal changes did affect the urban planning policy in Serbia, as well as the General Urban Plans of Belgrade that were adopted between 1950 and today. The analysis of balances for each land-use within Belgrade’s GUPs allows us to monitor of the changes that characterized each era of planning, or in this case the development ‘in the public interest’ (table 7.1).

Land-use	GUP 1950		GUP 1972		Am. GUP 1985		GUP 2003	
	Ha	%	Ha	%	ha	%	Ha	%
Housing	1800	<b>22</b>	12177	<b>17,5</b>	13 980	<b>18,2</b>	14 142	<b>18,4</b>
Housing + commercial	-		312	<b>0,4</b>	575	<b>0,7</b>	0	<b>0</b>
Third sector (commercial)	-		182	<b>0,2</b>	230	<b>0,3</b>	3 525	<b>4,6</b>
Industry	100	<b>1,2</b>	2 497	<b>3,5</b>	2 896	<b>3,7</b>	1 816	<b>2,3</b>
Administration and SGIs (public land-use)	300	<b>3,6</b>	1 020	<b>1,4</b>	875	<b>1,1</b>	1 123	<b>1,4</b>
Specialized city centres (public land-use)	-		2 771	<b>3,9</b>	3 246	<b>4,2</b>	0	<b>0</b>
Sports and recreation	-		3152	<b>4,5</b>	2 102	<b>2,7</b>	1 188	<b>1,5</b>
Green areas	3500	<b>42,9</b>	7 912	<b>11,3</b>	8 928	<b>11,6</b>	20 406	<b>26,6</b>
Roads and infrastructure	600	<b>7,7</b>	8 152	<b>11,7</b>	8 197	<b>10,7</b>	6 709	<b>8,7</b>
Water	-		2 182	<b>3,1</b>	2 824	<b>3,7</b>	4 172	<b>5,4</b>
Cemeteries	-		235	<b>0,3</b>	281	<b>0,4</b>	489.2	<b>0,6</b>
Agriculture	-		2 597	<b>3,7</b>	6 900	<b>9,0</b>	23 363	<b>30,5</b>
Undeveloped	1850	<b>22,6</b>	26 773	<b>38,5</b>	25 561	<b>33,4</b>	0	<b>0</b>
Total	8150	<b>100</b>	69 537	<b>100</b>	76 531	<b>100</b>	76 602	<b>100</b>

Table 7.1: Comparing the land-use balances in 1950, 1972, 1985 and 2001, source: GUP (1950), GUP (1972), Amendment GUP (1985) and GUP (2003)

Firstly, it should be noted that the GUP (2003) introduced a different categorization of land-uses than in the previous plans. For example, the specialized city centres were considered public land-use from 1950 until 2003. They were organized as centres of local communities that contained primary health and social services, as well as university and health centres, and other facilities of ‘public interest’. From 2003, specialized city centres are not recognized as such, but they represent commercial centres. Another peculiarity of the GUP (2003) is the share of 0% for undeveloped land. This means that there is virtually no more land in the territory of Belgrade to be further defined for future needs, which is different to the socialist planning practice in the case of New Belgrade where large plots of public land were left undeveloped for future public land-use. However, this is not because all land previously available for development has been developed, but rather, as several planning professionals commented, it is due to some of the previously undeveloped land being reclassified as agricultural and green land, and also as construction land due to being occupied with the informal settlements.

While the data from the GUP (1950) is mainly descriptive and as such does not provide a comprehensive basis for a comparative analysis with other GUPs, the findings obtained from a simple quantitative analysis of share (%) of land-use within later GUPs

of Belgrade (1972, Amendment 1985, 2003) (table 7.1) mainly show the following trends:

- Increase of commercial activities land-use from 0.2% in 1972 to 4.6% in 2003;
- Slight increase of housing land-use (from 17.5% in 1972 to 18.4% in 2003),
- Increase of green areas (from 11.3% in 1972 to 26.6 in 2003) due to inclusion of agricultural land,
- Decrease of sports and recreation (from 4.5% in 1972 to 1.5% in 2003),
- Decrease of roads and infrastructure land-use (from 11.7% in 1972 to 8.7% in 2003),
- Abolishment of 'city centres' as public land-use and transferring it within the dimension of commercial areas,
- The share of SGIs and public land-use within the area of Belgrade remains constant with 1.4% since 1972.

The findings derived from the simple quantitative analysis of balances of land-use do not provide any 'extreme' data that would point to the trends of increase / decrease of capacities for particular land-use 'in the public interest'. However, they show that the green areas have doubled since 1972, while at the same time areas for sports and recreation decreased three times for the same period. It is interesting to note that the GUP (1950) did not recognize commercial land-use as such, while there is a significant increase of commercial development from 1972 until today - almost 20 times more commercial activities are planned in the GUP (2003). This trend could be explained by the change in ownership of small retail and commercial activities, which used to be part of the publicly owned 'specialized city centre' land-use in the early socialist era and now are privately owned.

It should be noted that the balances represent the ratio of the area of the particular land-use and overall area of Belgrade. Since the area of Belgrade drastically increased in size between the 1950s and 1970s, it is difficult to distinguish significant changes in the balances of this period. This is not the case in the later era (1970s onwards), because the overall area of the GUP has not deviated much. To present a more accurate picture of trends in the treatment of public land-use and SGIs at city-level, this analysis also includes data that shows changes in treatment of norms and standards for public land-use and housing from 1985 to 2003 (table 7.2). It should be mentioned that norms and standards in previous city-level plans (GUP, 1950, 1972) were explained only descriptively and as such could not be included in table 7.2. However, some of the

norms from the earlier socialist era will be analysed in the following section, which will look at the neighbourhood-level cases of planning ‘in the public interest’.

<b>Housing and public land-use</b>	<b>1950 (m<sup>2</sup> per inhabitant)</b>	<b>1972 (m<sup>2</sup> per inhabitant)</b>	<b>1985 (m<sup>2</sup> per inhabitant)</b>	<b>2003 (m<sup>2</sup> per inhabitant)</b>
Housing	18	21	21	22
Green areas in neighbourhoods	8	-	6.16	1
Health facilities	-	-	0.003-0.11	0.003-0.09
Playgrounds	-	-	9-18*	1
Kindergartens	-	-	6.5-7.5**	6.5-7.5**
Primary schools	-	-	6-10**	6.5-7.5**
Higher education	-	-	10-12**	10-12**
Social protection	-	-	3; 20-40***	3; 20-25***
Culture	-	-	4.6	4.6-5
Recreation	-	-	3	4

\*18 m<sup>2</sup> per inhabitant in new housing zones,

\*\* m<sup>2</sup> of object per student,

\*\*\*first figure is for short-term points, and second for long-term stay facilities;

Table 7.2: Norms for public land use, source: GUP (1985) and GUP (2003)

Comparing the norms for housing and public land-use (m<sup>2</sup> per inhabitant) from GUP (1985) and GUP (2003) (table 7.2), the norm for housing has slightly increased (from 21 to 22 m<sup>2</sup> per inhabitant) along with recreation (from 3 to 4 m<sup>2</sup> per inhabitant). On the other hand, the norms for public land-use have decreased within the domain of health care (from 0.009-0.11 to 0.003-0.09 m<sup>2</sup> per inhabitant), green areas within neighbourhoods (from 6.16 to 1 m<sup>2</sup> per inhabitant), children playgrounds (from 9 to 1 m<sup>2</sup> per inhabitant), and social protection (from 20-40 to 20-25 m<sup>2</sup> per inhabitant). Some of these findings regarding green areas within neighbourhoods seem incompatible with the major increase in balances of green areas at city level (from 8928 ha in 1985 to 20 405 ha in 2003). Some of the 20 405 ha of green areas at city level can thus be explained by the reclassification of undeveloped land to agricultural, green areas or construction land in order to legitimize some of the informal housing through plans in GUP (2003). Accordingly, data from GUP (2003) also shows a significant decrease in agricultural land-use (-16 463.32 ha planned for 2020) which is justified in GUP (2003) in the issues of illegal construction as well as the pressure of the market, which requires conversion of agricultural land into construction land suitable for development (GUP 2003:37). It can be concluded that the data obtained by observing the balances for land-use in the generation of GUPs only - is not representative if not triangulated with the norms and standards for each land-use (m<sup>2</sup> per inhabitant).

Although these findings are based on the analysis of norms and standards at city-level, they are also relevant to the cases of New Belgrade and the future Belgrade Waterfront (now Sava Amphitheatre). If looking at figure 7.1 it is clear that the area of New Belgrade has changed in line with the norms provided in GUPs (1950, 1972, Amendment 1985, 2003). The red colour in GUP (1950) represents public land-use (including housing), administrative centres are marked in green / yellow and special zones (industry) in orange. Commercial land-use as such is not recognized within GUP (1950). On the other hand, red colour in GUP (2003) represents areas that are either purely or dominantly commercial (within mixed use), while yellow stands for purely or dominantly housing land-use, which is not regarded as the public land-use any more.

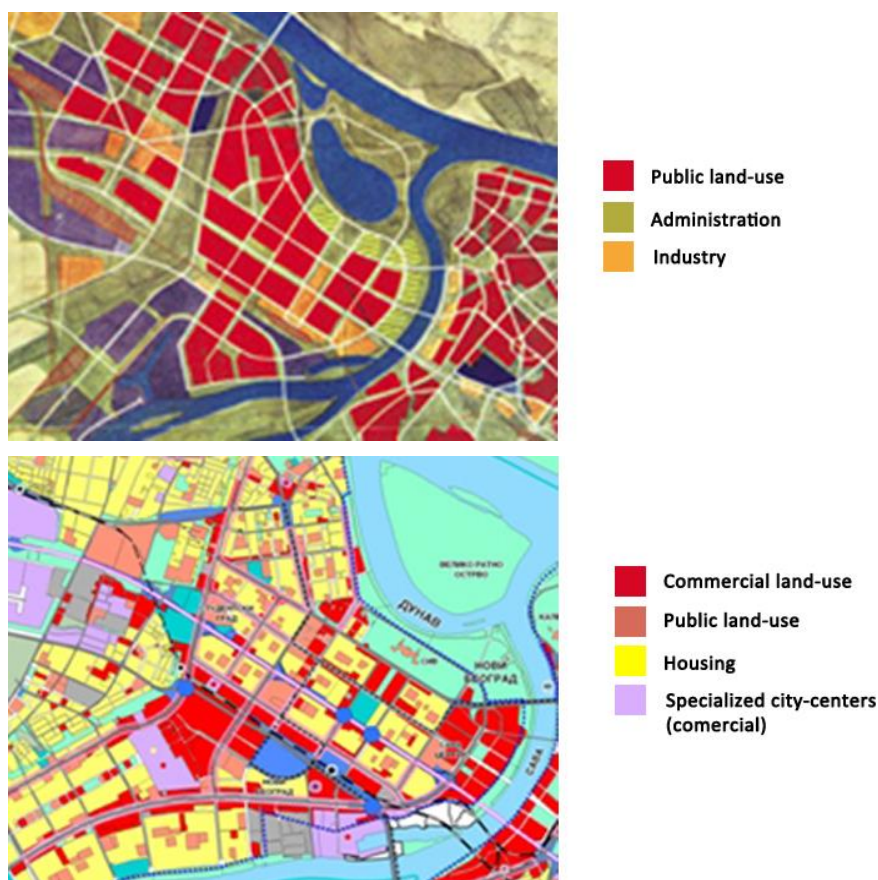


Figure 7.1: Change of land-use in New Belgrade from 1950 and 2003, source: GUP (1950) and GUP (2003)

When triangulated with content analysis and qualitative findings (further elaborated in section 7.5), the land-use maps of New Belgrade from 1950 and 2003 could imply that the most obvious transformation of the urban tissue of New Belgrade is the fragmentation of blocks and intensification of commercial land-use. The analysis of planning documents above also shows that some of the standards and norms for public

land-use and housing at New Belgrade remain unchanged or have even improved since 1950. Some of the interviewees consider this the heritage of generous socialist planning, which predicted a large influx of inhabitants into New Belgrade and thus ‘reserved’ sufficient space for public land-use.

Political changes and the introduction of a market economy in the 1990s also affected the plans for Sava Amphitheatre (Savamala in figure 7.2, or, future Belgrade Waterfront). For the first time the new Amendment of GUP (1985) proposes commercial areas complemented with housing as a dominant land-use, while GUP (2003) follows that practice by including large-scale commercial activity (figure 7.2).

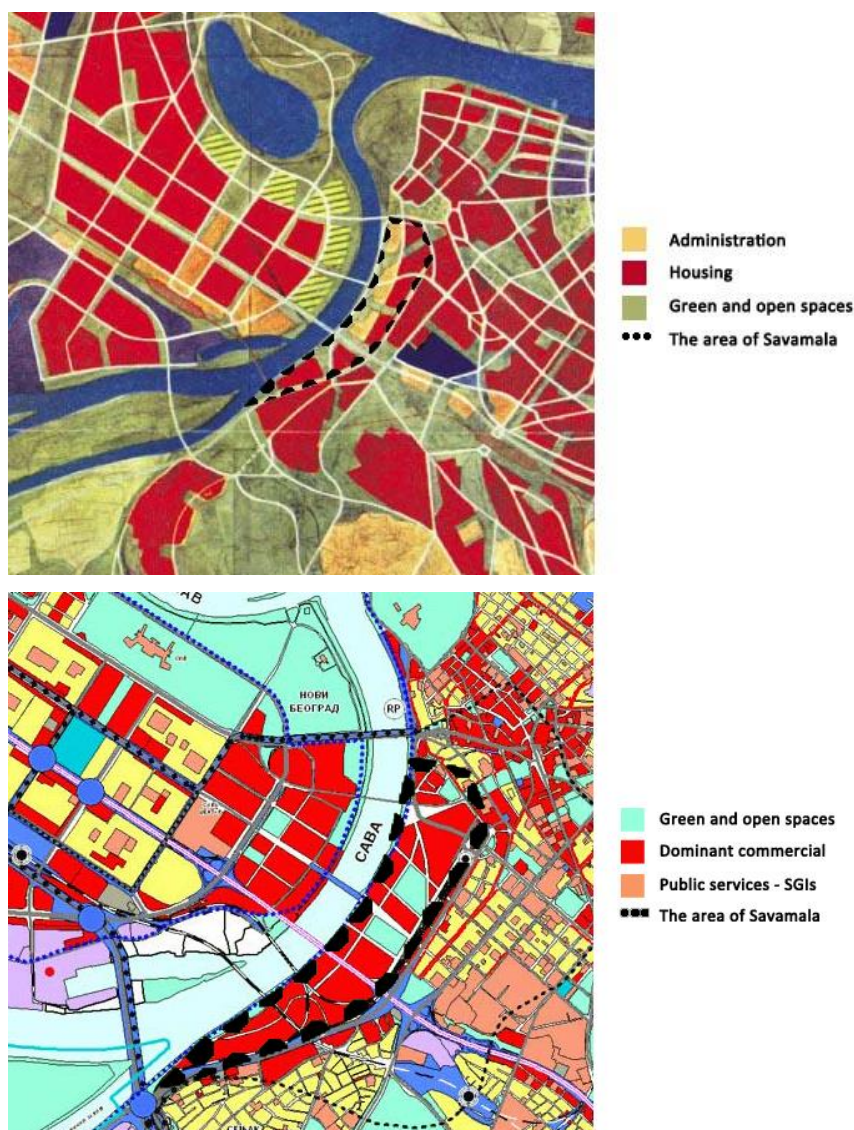


Figure 7.2: Land-use for Sava Amphitheatre, source: Amendment of GUP (1985) and SPSP (2015) based on the Amendment of GUP (2014)



The simple content analysis of Belgrade's GUPs (1950, 1972, Amendment 1985, 2003) provided preliminary findings that highlighted the changes in balance for land-use at city level, as well as the changes in status for certain land-use that used to be public during socialism, but is now private (housing, specialized centres). However, some of the quantitative data from city-level plans may provide a picture that is different to the actual state of the land. This was evident in the example of large areas reserved for green spaces in GUP (2003) while the actual norm within neighbourhood was drastically reduced - from 6.1 to 1 m<sup>2</sup> per inhabitant, and children's playgrounds from 9 to 1 m<sup>2</sup> per inhabitant. These findings, as well as the reduced norms for social protection - from 35-40 (GUP, 1985) to 20-25 m<sup>2</sup> per inhabitant (GUP, 2003), highlight the trend of reduction of certain norms and standards for public land-use and SGIs within the generation of city-level plans. In order to obtain a fuller picture of trends pertaining to changes in norms and standards for public land-use at a different level of development, these findings will be complemented with the neighbourhood-level cases of Block 23 and Stepa Stepanović.

### **7.3 Comparative analysis – Cases of Block 23 and Stepa Stepanović**

This section will present findings that were derived from a simple comparative analysis of land occupancy rates in plans for each neighbourhood, in order to show building densities in each neighbourhood, as well as norms and standards for public land-use and SGIs. As both socialist and contemporary neighbourhood cases are considered non-profit housing in open blocks, the purpose of this part of the research is to examine the trends pertaining to changes in planning 'in the public interest' that would complement the city-level data. It is expected that this part of the analysis will particularly complement findings on norms and standards from the early socialist era, due to the lack of this kind of data in city-level plans (GUP, 1950).

Both Block 23 and Stepa Stepanović are defined as 'open blocks' in terms of urban typology. Open blocks are characterized by individual high-rise buildings that are retracted from the regulatory line of the plot (GUP, 2003:50). These blocks are usually developed on a single, large plot, and are typical of the socialist era (New Belgrade). Free areas between buildings are usually arranged as green and open public spaces, playgrounds, sports and leisure areas, etc. in order to 'create balance between the height of objects and generous free space between them' (GUP, 2003:50). Also, public areas within blocks are not intended for any new development.



Block 23 occupies around 20 ha, while the Stepa Stepanović project is twice as large at 41.68 ha. They are both defined in the category of neighbourhood level developments. Although the development of Block 23 was based on the Detailed Urban Plan, in line with the requirements from GUP (1950), the development of Stepa Stepanović neighbourhood was based on the Urban Project due to the accelerated procedure of plan adoption (from interviews).

The occupancy rate is an instrument to obtain insight into the ‘spatial consumption of the plot’. It shows the ratio of object surface (boundaries) to plot surface. Although both cases are defined as open block, the occupancy rate of Block 23 is 19.8% (DUP, 1987:14), while Stepa Stepanović occupies 30-35% of the plot, which is in line with the requirements from GUP (2003) for open blocks out from the central zones (UP, 2010:4). As such, it shows considerably higher figures when compared to the socialist case, which also implies higher density. Both plans for Block 23 and Stepa Stepanović show land-use balances as percentages of each function in relation to the whole plot. These are presented in table 7.3 below.

<b>Land-use</b>	<b>Block 23 (%)</b>	<b>Stepa Stepanović (%)</b>
Roads, transport infrastructure and parking	14.2	27
Green and free spaces (for housing)	48.9	3
Housing	11.5	52
Primary school and kindergarten	14.5	11
Commercial	7.7 (from 1987)	5
Community centre	3.2	-
The subject of other plan	-	2
<b>Total</b>	<b>100</b>	<b>100</b>

Table 7.3: Land-use balances in plans for Block 23 and Stepa Stepanović, source: DUP (1987) and UP (2010)

Although both cases are characterized as open-blocks, it is evident that the balances for land-use deviate when it comes to the percentage of green and free open spaces and housing. While Block 23 reserves 48.9% of the whole plot for green and open spaces (excluding open spaces within schools and kindergartens), Stepa Stepanović allows only 3% for such land use.

Also, both cases are characterized as social / non-profit housing projects with complementary SGIs. However, both projects contain commercial activities, too. In the case of Block 23, the Amendment of DUP (1987) changed the land-use of the ‘general

city activities' (undeveloped public land) to office buildings, taking up around 7.7% of the plot (DUP, 1987). This change of land use is an example of filling empty spaces of public land with commercial activities that was characteristic for the post-socialist era (Marić, 2010). In the case of Stepa Stepanović, commercial activities were planned in the Urban Project (2010) and they represent 5% of overall land-use.

Housing in Block 23 had to satisfy the norm of 18 m<sup>2</sup> per inhabitant (GUP, 1950). However, actual development shows the norm of 23 m<sup>2</sup> per inhabitant, which is considerably 'more generous' than the required norm (DUP, 1987). Also, free and green space within housing had to satisfy the norm of 8 m<sup>2</sup> per inhabitant (GUP, 1950), and analysis of actual state shows the norm of 11 m<sup>2</sup> per inhabitant (DUP, 1987).

Data also shows that Stepa Stepanović satisfies the required norm from GUP (2003) of 22 m<sup>2</sup> per inhabitant, and the norm of only 1 m<sup>2</sup> per inhabitant of green and free spaces. Therefore, although both cases show similar norm for housing, the norm for green and free areas has dropped dramatically in the contemporary case (table 7.4).

	Block 23	Stepa Stepanović
Occupancy rate	19.8 %	30-35 %
Construction index	1.36	2.0-2.2
Height of housing	GF+10+attic	GF+6+attic
Norm for housing	23 m <sup>2</sup> / inhabitant	22 m <sup>2</sup> per inhabitant
Green and free areas within housing	80.2 %	30-70%
Norm for green and free areas within housing	11 m <sup>2</sup> / inhabitant	1 m <sup>2</sup> / inhabitant

\*GF- ground floor

Table 7.4: Norms and standards for housing and green and free areas within housing in plans for Block 23 and Stepa Stepanović neighbourhoods, source: DUP (1987) and UP (2010)

As previously mentioned, the occupancy rate shows the ratio of object surface to plot surface. It is an instrument that helps in defining and distinguishing the typology of the block. However, the occupancy rate is not a valid parameter for comparison of the two different cases as it only takes into consideration the size of the ground floor – or the 'border' of the object and not the number of floors. For example, New Belgrade shows considerably lower occupancy rate (19.8% of the plot) than Stepa Stepanović (30% of the plot). Nevertheless, New Belgrade allows for GF+10+attic, while Stepa goes up to GF+6+attic. Therefore, when comparing two cases, it is important to mention another instrument which provides more valid data to obtain an understanding of the overall 'consumption rate' of the plot – the construction index.

The construction index represents the ratio of gross amount of square meters (floor size times the number of floors) and overall plot size. From the table 7.4 above, it is evident that the construction index is still considerably higher for the Stepa Stepanović (2.0-2.2) than for Block 23 (1.36). It can be concluded that although Block 23 allows higher objects than Stepa Stepanović, it leaves considerably more free and green space between the buildings (11 m<sup>2</sup> per inhabitant) than the contemporary case (1 m<sup>2</sup> per inhabitant).

When it comes to the treatment of norms and standards for children's facilities, Block 23 contains specific public land-use referred to as 'local community space,' which consists of primary school, kindergarten and the local community centre. According to the Amendment of DUP (1987), the existing primary school did not satisfy the norm for the number of children within the neighbourhood and it was lacking space for 48 pupils. Therefore, DUP (1987) predicted some additional facilities for this land-use, in order to satisfy the norm of 20 m<sup>2</sup> (of the whole plot) per pupil. On the other hand, UP (2010) predicts that the school in Stepa Stepanović should provide the norm of 20-25 m<sup>2</sup> (of the whole plot) per pupil (table 7.5).

	Block 23 (m <sup>2</sup> /pupil)	Stepa Stepanović (m <sup>2</sup> /pupil)
Norm for school (whole plot)	16.95	20-25
Norm for green areas (within complex)	13	17.5

Table 7.5: Norms for primary schools, source: DUP (1987) and UP (2010)

Hence, data shows that there is a tendency to increase the norm for primary schools in the contemporary case of Stepa Stepanović, as well as the norm for free and green spaces within the school complex. When it comes to kindergartens, Block 23 achieves the norm of 20 m<sup>2</sup> (of the whole plot) per child, and 13.2 m<sup>2</sup> of free and green areas per child. Stepa Stepanović shows a decrease in this norm with 15-18 m<sup>2</sup> per child (of the whole plot) and 6.5-7.5 m<sup>2</sup> per child of free and green areas within the complex (table 7.6).

	Block 23 (m <sup>2</sup> /child)	Stepa Stepanović (m <sup>2</sup> /child)
Norm for kindergarten (whole plot)	20	15-18
Norm for green areas (within complex)	13.2	6.5-7.5

Table 7.6: Norms for kindergartens, source: DUP (1987) and UP (2010)

In order to meet the norms for kindergartens, UP for Stepa Stepanović proposes additional facilities (for groups of up to 80 children with the free surface of 8 m<sup>2</sup> per child) in close surroundings within residential blocks.

When it comes to parking spaces, DUP (1987) proposes the number of 1506 parking spaces – 834 outside and 672 in garages, or the norm of 1:1.6 parking spaces per number of flats. UP (2010) Stepa Stepanović stays in line with the norms of the GUP and proposes a ratio of 1:0.7-1.1 for parking next to the housing units, which is slightly increased in relation to Block 23.

Another category of public land-use recognized in DUP for Block 23 is a community centre. It contains various activities such as public library, conference room, small retail, craft workshop spaces. All of these were within the public realm during socialism, and were privatized together with the housing stock. A community centre was an obligatory part of public land-use within most of the New Belgrade blocks, in addition to the kindergarten and school. It was a space where public and community representatives could gather to discuss local issues that would contribute their quality of environment and quality of life (GUP, 1950). On the other hand, UP Stepa Stepanović (2010) addresses the norms and parameters for health facility, which is not present within the socialist case, although the later findings in qualitative analysis imply that health facility has not been developed as part of the necessary SGIs network.

From the brief analysis above, the quantitative inquiry shows that the contemporary neighbourhood shows higher figures when it comes to occupancy rate and construction index than the socialist case. These findings imply considerably more building density and less open and green areas within neighbourhood, although both cases are characterized as 'open blocks'. Block 23 shows slightly lower norms for primary schools and slightly higher norms for kindergartens when compared to the Stepa Stepanović neighbourhood. Finally, there is a tendency for a slight increase in parking spaces in the contemporary neighbourhood in comparison to socialist one.

#### **7.4 Summary**

From the analysis of trends in the treatment of public land-use in both city and neighbourhood level plans, it can be concluded that there is a tendency for stagnation and considerable decrease of certain norms. The analysis of city-level cases shows that

the norms for health care, social care, green areas and open spaces in neighbourhoods have significantly dropped when compared to the socialist era. These findings are confirmed in neighbourhood cases too. On the other hand, most of the other public land-use preserves the similar norms since socialism.

What should be also noted is a general tendency to transform previously undeveloped land into agricultural and green areas land-uses, but also into construction land, in order to legalize the informal development through plans (from GUP, 1985). Moreover, there is a tendency to commercialize empty public land left over from the socialist era, visible at both city and neighbourhood level plans and especially in the areas of New Belgrade and future Belgrade Waterfront. This practice is recognizable through a considerable increase of balances for commercial land-use since socialist era, but also in the colours presented on zoning maps in General Urban Plans (Figure 7.1 and 7.2). Hence, these findings could be seen as part of general tendency to increase the land subject to for-profit real estate development activities. At the same time, both city and neighbourhood level analysis of balances and norms shows that the provision of public land-use did not coherently follow the increase of population density in Belgrade.

The sections above aimed to present the trends of change in the treatment of public land-use at city and neighbourhood level, in socialism and today. The purpose of this section was to complement and provide a basis for the analysis of rich qualitative data concerning potential and actual outcomes of planning ‘in the public interest’, as will be presented in the following sections of this chapter.

### **7.5 The outcomes of planning ‘in the public interest’ through qualitative inquiry**

The following sections in this chapter will address the potential and actual outcomes of socialist and contemporary cases of planning ‘in the public interest’ in order to provide a basis for examining the potential causality between the processes and outcomes.

The socialist case of New Belgrade was spoken of as the first example of ‘planning in the public interest’ by most of the interviewees in this research, as discussed in Chapter 6. Interviewees took this view partly because of the use of the Athens Charter as a ‘scientific basis’ for its development, as well as the consistent implementation of the norms and standards that are suggested therein:

*'New Belgrade is a truly unique example of planning in the public interest mainly due to the generous norms and parameters for public land-use and SGIs that GUP (1950) predicted, but also due to the fact that most of the planned land-use was actually developed in line with the requirements from the plan and based on the Athens Charter.'*

(PS 19)

The idea of developing New Belgrade was initiated between WWI and WWII, but the first sketches were made by the eminent modernist architect Nikola Dobrović and were followed by several public competitions in 1947. The plan of New Belgrade was an orthogonal urban framework dominated by two main objects - The Palace of Federative Executive Council (figure 7.3) that occupied over 75 000 square meters, and the building of the Central Committee of the Communist Party. At the same time the development of the Student city started (figure 7.4), an area for 4000 students and two housing neighbourhoods for 3000 inhabitants each. As Blagojević (2007) states, the main ambition of the Yugoslav government was to develop the administrative centre of a new socialist country; building on empty space had the additional advantage of symbolising a break from the past after WWII.



Figure 7.3: The Palace of the Federative Executive Council, source: [www.skyscrapercity.com](http://www.skyscrapercity.com)



Figure 7.4: Student city, New Belgrade, source: [www.ekof.bg.ac.rs](http://www.ekof.bg.ac.rs)

Despite the generally ‘positive image’ that New Belgrade received within interviews for its generous norms and standards for housing and public land-use, criticism of such functional cities concerns the alienation between inhabitants due to over-dimensioned spaces. New Belgrade is often characterized as having monotonous architecture and criticized for its strictly separated land uses; the creation of large ‘dormitories’ (Blagojević, 2007; Perović, 2008). As Petovar (2010) explains, urban norms in the socialist era might have been oversized. But that is something that should not be criticized as much as the endeavour of the Communist Party to ‘standardize the way of life’ and define public functions and other activities in the economic, commercial, and social spheres, as well as the cultural life in the city (Petovar, 2010).

Although the development of New Belgrade was consistently based on the principles of the Athens Charter until the 1980s, the first deviation from this practice occurred in 1984 (figure 7.5), and is often described as the beginning of the market-oriented era of ‘inert filling of space’ (Perović, 2008). This refers to the pressure of commercial activities on the residential New Belgrade, resulting ‘in a series of dispersed, distributed shopping and business centres’ (Marić et al., 2010:49), without any comprehensive strategy.





Figure 7.5: Layout of New Belgrade in 1980 and 1990, source: Marić et al. (2010:50)

Interviewees from both the public and private sectors recognized this practice as a ‘commercialization of New Belgrade’. One interviewee explained:

*‘We can witness the negative effects of the market economy on the example of New Belgrade... the space that was reserved for public land-use, green areas and playgrounds has been filled with commercial activities which disturb the functional context of the open blocks...’*

(PP 4)

Another interviewee addressed a similar issue:

*‘I agree that times have changed since the 1950s, and that we now need to plan for the investors... but it hurts to see how some cheap commercial services occupy the generous green space of New Belgrade.’*

(PS 16)

This aspect of planning practice after 1980 was described as ‘investors urban planning’ or ‘entrepreneurial urbanism’ (mentioned in Chapter 3, 5 and 6). This term is widely adopted in papers published by Serbian authors, and refers to the aim of maximizing the location’s potential (and rent), regardless of negative effects and environmental destruction (Petovar, 2007). Blagojević (2007) explains that this practice was particularly visible in New Belgrade, where ‘generous’ urban planning norms and standards from the Athens Charter created an urban area that allowed for development on reserved empty space.

One resident talked about his experience of living and working in New Belgrade, as well as commercialization:



*'Those new commercial activities definitely contribute to the economy of Belgrade and quality of some services. However, I don't think that this basic concept of New Belgrade with wide boulevards, amazing green spaces and a direct approach to rivers should be disturbed! This kind of expansiveness of space does not exist in any other part of Belgrade!'*

(GP 1, emphasis added)

Commercialization and the inconsistent implementation of the principles of the Athens Charter are visible in the neighbourhood case of Block 23, too. The Amendment of the DUP (1987) led to some changes in the existing plan, by changing the land-use from a 'centre of general use' (public land-use) into commercial activity - currently vacant office buildings (Figure 7.6).



Figure 7.6: Floor plan of Block 23, source: Amendment of DUP for Block 23 (1987) and photo of former 'centre of general use' and today office building (marked red in the left figure), source: author (2015)

Although interviewees discussed the problem of rapid commercialization and emerging business and retail centres within the existing urban form, most of them still considered New Belgrade a true example of planning in the public interest due to the '*...scientific, research-based planning based on the humane principles and care-free of the private interests...*' (PS 14). Some interviewees were aware that this kind of planning practice was unlikely to happen ever again due to the market economy and requirements of the private sector. However, they agreed that New Belgrade was a unique case due to the '*...unusual combination of State intervention and a functional approach to developing a city in the public interest*' (ICR 2). Another interviewee, also a resident of New

Belgrade, explained: *'Serbian people love to brag that they live in the city centre. It is nice, but I would never move out of New Belgrade. Everything I need is there and it is close to my home...'* (PS 5).

Concerning the possibilities to develop New Belgrade, the strong role of the State comes to the forefront of debate (Chapter 6, section 6.7). The Yugoslav socialist State provided the opportunity to implement large-scale social housing, SGIs and administrative development, while retaining strict control over the procedures and ownership over the land and buildings as public and societal. Although characterized by strong instrumental rational doctrines (such as the commitment to the Athens Charter), the positive tangible outcomes of such an approach were recognized within a majority of interviews, particularly through technical aspects such as the supply of public land-use and norms for SGIs. Therefore, despite the rapid and unplanned commercialization of New Belgrade, the majority of interviewees still see this space as 'true public interest' due to the environmental and social sustainability of norms and standards for housing, infrastructure, public spaces and SGIs which they use daily and which directly affect their quality of life.

The next section will look at the neighbourhood-level case in New Belgrade - Block 23. While planning professionals find it easy to perceive New Belgrade through norms and standards from plans, lower level observation also requires an in-depth perspective on the outcomes of the socialist planning practice through the 'eyes of residents' of this space.

### **7.5.1 The case of Block 23**

As one of the New Belgrade neighbourhoods, the development of Block 23 was based on the Detailed Urban Plan (DUP) (1967) and the later Amendment of the DUP (1987). The reason some of the interviewees suggested Block 23 as a possible case for this research is that it represents one of the *'typical socialist housing blocks'* (PS 14). As such, it has the potential to reveal of the articulation of 'the public interest' on the smaller scale development and complement findings from the city-level case New Belgrade. This section will address the outcomes of socialist practice through the vehicle of narratives obtained from the interviews with residents of this neighbourhood.

Residents of Block 23 discussed some of the general features of the neighbourhood, along with accessibility to SGIs, as well as the way these contribute their quality of life. We can understand these dimensions in finer details by looking at specific examples:

*'To be honest, New Belgrade was never in my sights, but my wife suggested we have a look at a couple of flats. So, this is how we conducted our search for the flat: we entered the block and looked at the infrastructure - kindergarten, school, and how close they are to our potential flat. We didn't want our children to cross any major roads on the way to school. And that's how we came to Block 23. My son's school and my other son's kindergarten are separated by a nice garden, 10 metres away from each other! It was perfect. The public health facility is 10 minutes' walk away from my flat...'*

(GP 2)

These benefits of the development outcomes in Block 23 overcame some issues of living in the city centre for this participant. They continued to explain why they enjoy life in New Belgrade:

*'Just have a look at this part of the city where we are drinking coffee now, by the river. We, the people of New Belgrade, know how to thoroughly enjoy and use the benefits of the river. I need 10 minutes to get here, and there is plenty of parking both here and in my block. Every weekend we cycle near the river, or we go on the boat! I love it! I have absolutely no need to go to the city centre.'*

(GP 2)

Another interviewee mentioned the way the space of New Belgrade contributes to the quality of his lifestyle, as well as his first impressions of the blocks in line with the critique of the 'urban monotony':

*'When I used to live in the city centre I imagined New Belgrade as concrete mass high-rise housing... But I never really entered any block, my image was based on the random and rare car drives through the wide boulevards of New Belgrade. Now that I live here I can fully appreciate this area and would never move back to the city centre... I also have to say that I feel secure within the block, during the day or night. The public park is within my block, coupled with great basketball and tennis courts. And they are all free to use, which is the most important thing for young people here!'*

(GP 4, emphasis added)

Both interviewees, although different age groups and occupations, used to live in the city centre of Belgrade (the old city) and moved to New Belgrade blocks within the last

decade. They both perceive the ‘wideness’ of space and accessibility to public land-use, especially to their kids, safety, free services and leisure activities as something that they didn’t have access to by living in the city centre and that contributes to their way of life.

While the planning professional interviewees discussed the outcomes of city-level socialist development through the plans for New Belgrade, residents of Block 23 recognised the benefits of norms and standards for public land-use and SGIs that were implemented at a neighbourhood level, as well as the way they contribute to their daily routines. They also spoke about smaller-scale characteristics of the neighbourhood such as quality of construction and materials in their flats, maintenance of shared communal areas (stairs, elevators, roof, facades, laundry room), as well as certain ‘soft outcomes’ such as networking and collaboration with other residents. One interviewee considered some of the features of the flat he lives in:

*‘I am very content with the quality of the building and our flat. We live on the 8<sup>th</sup> floor; the flat is 88 m<sup>2</sup> and the terrace 11 m<sup>2</sup>! I can’t imagine that that used to be called social housing! My wife grows cherry tomato on the terrace and my son loves to pick it fresh and eat it like that.’*

(GP 1, emphasis added)

Besides being content with various aspects of development in their New Belgrade neighbourhood, interviewees also mentioned some of the difficulties that they face on daily basis: *‘Maintenance of the elevator and other shared communal areas is a mission impossible!’* (GP 2, emphasis added). Moreover,

*‘What I don’t like about living here is that people are used to not having to care about what is happening with the communal areas in and around the building! This is caused by the socialist way of thinking that the State is going to take care of everything, as it actually used to do!’*

(GP 4, emphasis added)

These interviewees addressed the issue of attitude of some residents of the block towards the maintenance of the communal areas as particular legacy from socialist era. However, this pertains not only to the New Belgrade blocks but for the majority of post-war development in Belgrade, as well as other post-socialist and market-economy societies (Knickmeyer et al., 2008). However, in the particular case of post-socialist countries, this phenomenon is often related to the *‘devaluation of not only the economic, but the social aspect of housing as well’* (ICR 2), as the outcome of the post-war circumstances, inflation, autocracy during 1990s and poorly executed privatization of

former public housing stock where flats were sold for less than 5% of their market value (PS 1). According to one interviewee, Serbia saw a situation where:

*'...enabling citizens to purchase flats for an extremely low price, as well as encouraging the informal development in the suburban areas of Belgrade is often addressed as a pillar of Milošević's 'welfare State'! What gave legitimacy to these actions were inflation and the economic crisis, as well as the fact that we witnessed an influx of almost one million of refugees and IDPs [internally displaced persons, mainly from Kosovo] after the wars around former Yugoslavia in 1990s, who needed a roof over their heads...'*

(PS 17, emphasis added)

Some interviewees felt that these two different actions of Milošević's government, the 'cheap' privatization of public housing stock, as well as allowing the illegal development, contributed to the devaluation of economic and social aspect of development. In these circumstances, *'the residents lost interest in everything but their own, privately owned space'* (PS 5).

Additionally, during socialism shared communal areas were maintained and repaired by the public enterprises in charge of maintenance. After the privatization of public housing stock this responsibility was transferred to private owners who, according to some interviewees, did not 'cope well' with these new circumstances of transition to the market economy. One interviewee linked this to the current lack of understanding and possibility for mutual agreement between residents to repair or maintain shared communal areas of buildings:

*'We have the current situation where people's mentality is still as during socialism when the State would even come to repair or replace a leaking boiler in your flat! And now you can't even get the consensus to repair a facade or roof, because people [especially elderly population] think that someone is going to do that for them. And that era is long gone. Our maintenance tax [only] covers the expenses of elevator maintenance, waste disposal, cleaning of communal areas, emergencies, clogged sewage etc.'*

(GP 2, emphasis added)

This statement could illustrate the path-dependency in managing shared communal areas, characterized by the lack of communication and networking that can be considered domains of social capital (Putnam, 1993). Hence, some of the points mentioned above that can be observed as 'soft outcomes' of the still present 'socialist

way of thinking' and difficulties in adapting to the market economy, but also war and post-war circumstances that affect the path-dependent nature of Serbian planning and development system. However, the issues of lack of care for shared communal areas are a problem that can be addressed globally, and elsewhere it has different explanations.

Moreover, some of the interviewees addressed the notion of 'trust' in socialist development as one of the outcomes of socialist planning practice and a main reason for recently purchasing flats in Block 23. The notion of 'trust' in socialist development, based on the consistent implementation of norms and standards for development of public and non-profit land-use was already mentioned in the narratives of planning professionals (Chapter 6, section 6.2.1). Here, the residents of the Block 23 address the same notion at a lower, neighbourhood level of observation:

*'I've lived all my life in the city centre and last year I decided to buy a flat in New Belgrade. I really enjoy the wide green space and river here. But, I am thinking now, maybe we don't know of anything better? What is interesting for me is that New Belgrade was developed as public / societal housing, but there is nothing social or cheap about it! Although I am not content with some aspects of the socialist doctrine, I am still amazed with the quality of this space as an outcome of such practice.'*

(GP 1, emphasis added)

On the other hand, the majority of interviewees mention the lack of trust when it comes to the private development, but also the contemporary State's development within last 10-15 years:

*'Can you see that pretty yellow building across the boulevard? I wanted to purchase a flat in that building at first. It's only 10 years old, developed by a private investor. But when I entered one flat, I saw that the walls were cracked! Most of the new development is rubbish because investors use cheapest materials in order to have more profit! That's why I decided to buy a flat in Block 23. The guy who sold me this flat bought it during privatization for 100 marks!'*

(GP 4, emphasis added)

Here, the interviewee thinks that the norms and parameters for socialist social housing exceed the expectation of inhabitants. However, it should be mentioned that New Belgrade's social housing was called public / societal housing, and it was not

developed only to satisfy the needs of vulnerable groups and deprived citizens, but middle-class residents too (Simić, 2008).

The lack of trust in private contemporary development, as addressed above, also extends to a lack of trust in the contemporary State's development. A recent example of such development is the Stepa Stepanović neighbourhood, which will be considered in the following sections. This section presented some findings related to the outcomes of socialist planning practice 'in the public interest' at city and neighbourhood level. The sections that follow will address some of the existing and potential outcomes of the contemporary cases.

## **7.6 Outcomes of contemporary practice**

This section will consider some of the available outcomes of contemporary planning practice 'in the public interest' at city and neighbourhood level. As the construction work of the Belgrade Waterfront development has yet to begin, this section will consider some assumptions regarding the implementation of the project from the perspective of planning professionals. The neighbourhood level case, Stepa Stepanović, provides more consistent data when it comes to the implementation of development in the 'public interest' from a plan - as most of the construction work was completed in 2014 and the citizens interviewed have lived in this area for some time.

### ***7.6.1 City level case - Belgrade Waterfront***

Chapter 6 considered some of the procedural measures that were implemented in order to adopt the Spatial Plan of Special Purpose Belgrade Waterfront (2015). As the development of Belgrade Waterfront project is only initiated, there is no substantive data to provide evidence of the actual outcomes of the project yet. However, some of the interviewees as well as participants at two public discussions analysed for the purpose of this research addressed some of the potential outcomes of the Belgrade Waterfront project. These concerns can be placed within the following categories: economic assessments, urban development / technical issues, and social impacts.

The Belgrade Waterfront development is mainly justified through economic arguments provided by the State. The possibility of developing the central area of Belgrade that would contribute towards general economic recovery was used to justify the adoption of *Lex Specialis* enabling the expropriation of urban land for the purpose of developing commercial land-use. It should be recalled that the legal framework allows land

expropriation only for the purpose of developing public land-use and SGIs. Hence, the majority of interviewees did not approve the action of the State:

*'In reality we need new kindergartens and schools especially in central city areas where the facilities are overcrowded. Hence, we need to use the instrument of expropriation to do something like that. But only Belgrade Waterfront can require that kind of action, although it's not in the interest of general public but only a few corrupted politicians and, of course, investor from Dubai...'*

(PS 20, emphasis added)

This interviewee felt that the economic argument around the Belgrade Waterfront project as a potential outcome of planning practice is not 'in the interest of public' but only in the interest of certain actors in the process. It can be argued that the interviewee strictly separates the spheres of public and private interest, as already mentioned in Chapter 6. Another underlying statement within this narrative could potentially testify to the lack of trust in the future project as an economically viable one, but also the issues of corruption and selective employment of, for example, Serbian construction companies that would benefit from being involved in the development of Belgrade Waterfront. This notion is addressed by another interviewee:

*'Article 10.4 of the Joint Venture Agreement between the State and the private investor from Dubai states that only the 'Belgrade Waterfront' enterprise [owned by the investor] can legally offer the services of preparing projects, construction, management and maintenance, sale or consultation with future residents... At the same time, the State promised to employ Serbian construction companies and architectural biros [bureaux] to work on this project. But which companies? What are the criteria to be included in the Belgrade Waterfront project? That is a pure monopoly where probably lots of corruption is involved! Additionally, nothing is transparent!'*

(NGO 2, emphasis added)

This interviewee highlighted some important issues concerning the economic viability of the project, but also some of the procedural 'difficulties' such as potential corruption and lack of transparency, which are in line with the findings obtained from the brief analysis of the Anti-Corruption Agency Report (Chapter 6, section 6.4.2).

The economic sense of Belgrade Waterfront project comes to the forefront of the public debate on the role of 'the public interest' as a *'legal veil for the development of*



*commercial land-use*' (PD 2). Participants discussed issues concerning the new legal framework where

*'the investor becomes the new owner of not only objects, but land too... there, the public land is not public any more... this means that all new commercial activities on the area, e.g. kiosks, will have to pay the land-use fee to the investor as opposed to the budget of City of Belgrade'*

(PD 2)

Moreover, the participants at both discussions were concerned with the *'economic viability of the project that estimated the price of 3,000 euros per m<sup>2</sup> of residential housing'* given that the

*'...purchasing power of potential new buyers of flats and commercial space of the project is horribly low due to the still present economic crisis and average monthly salary of less than 400 euros.'*

(PD 1)

Along with criticizing the Belgrade Waterfront project for the unrealistic cost-estimates and the *'harmful contract that puts Serbia in the position to give away for free the most valuable construction land without any solid economic estimate'*, participants at these meetings emphasized that *'creating temporary jobs for several construction companies that are close to the leading political parties is not in the public interest'* (PD 2). This statement could represent additional evidence that some representatives of the general public, as well as planning professionals, have doubts when it comes to the economic viability of the project, due to the issues of market, political monopoly and corruption. This may extend to the fact that most of the interviewees in this research perceive 'the public interest' as an opposing ground to the economic interest attached to the State's project.

Besides addressing the questionable economic viability of the Belgrade Waterfront development, various participants at both public discussions were concerned about the significant 'technical aspects' of the project which include the reallocation of the main train station from the city centre and development of *'extremely high buildings that will jeopardize the public space and access to the river'* (PD 1 and 2). The GUP (2003) defined the part of the area intended for the Belgrade Waterfront project as the main train station, which was developed in 1884 and whose re-location has not yet been initiated. Amendments of GUP (2014) for the purpose of adopting SPSP Belgrade Waterfront project predict the reallocation of the main train station to Prokop station

and New Belgrade. With this in mind, most of the interviewees in this research considered the reallocation of the main train station from the city centre as the *'worst possible solution, which will negatively affect both the social and economic sustainability of the whole city'* (PP 2).

Besides the issue of moving the main train station from the central zone without a comprehensive strategy, both interviewees and participants at public meetings were concerned about the proposed height of the Belgrade Waterfront proposals, which involves much larger construction indexes than the ones allowed before the amendment of GUP (2014). One of the latest research studies which are significant for the area of Sava Amphitheatre area in the Belgrade Waterfront was the Study of high-rise buildings for the city of Belgrade (Chapter 6, section 6.3.2), published by the Urban Planning Institute of Belgrade and adopted at City Assembly in December 2010. The study took a year and a half to complete, and recommended that Belgrade should not contain buildings higher than 150 metres. Specifically, it proposes low-rise buildings for the area of Sava Amphitheatre (future Belgrade Waterfront) and in order to preserve the skyline, viewpoints, sunlight and maintain access to the Sava River as public space. One participant stated that *'the Study of high-rise buildings had to be abolished as the investor planned 200 metre high buildings which weren't predicted in the study'* (PD 2).

Hence, the height of the future development is closely related to the economic aspect of the project, where the increased norms and standards for profit land-use affect the economic viability of the project. The planning experience of some traditional market economy societies implies that certain urban parameters, such as the height of the development, should be determined by the market. However, the Serbian planning system does not recognize this kind of practice, and proposes desired heights and capacities of objects through urban regulation parameters in land-use zoning plans at city, municipality and neighbourhood levels (GUP, PGR and DUP, in Chapter 3, section 3.4.2). For the purpose of adopting the SPSP Belgrade Waterfront (2015) the Study had to be abolished despite its relatively recent appearance, while the land-use, urban regulations, norms and standards from General Urban Plan (2003) had to be amended (Amendment of GUP, 2014).

In addition to issues around economic sustainability and the abolition of urban regulation, norms and standards pertaining to the Belgrade Waterfront development,

participants at public discussions were concerned about the social implications of the project by '*privatizing the public promenade and the main cycling route on the Save riverside*' (PD 1), increasing gentrification and creating a '*gated community*' (PD 2). One participant at PD 2 explained what the term '*gated community*' implies:

*'That is a public space that is virtually and physically fenced by extreme development that looks like this Belgrade Waterfront project. Aitkens [famous sociologist] identified more than 1000 such communities in the UK... In such cases ordinary citizens are not be able to use the public space...'*

(PD 2)

Many other participants were concerned about '*how the people of Belgrade benefit from such a project at all*' allowing for the fact that they '*unwillingly financed the expropriation of urban land through the budget*' (PD 1). They also considered certain outcomes that occurred after the expropriation of land and the demolition of the existing urban area:

*'Gentrification has already happened, as they demolished small retail and private housing in the area, and offered those people flats in Stepa Stepanović, which is miles away from the city centre! From an anonymous source I've heard that the displacement of people started 7 months before the Lex Specialis was adopted.'*

(PD 2, emphasis added).

This statement testifies to some of the crucial issues related to actual outcomes of social change that has occurred as a result of the Belgrade Waterfront development. On the other hand, some other 'social' outcomes were also derived from the project and imply the potential creation of social capital and networking (Putnam, 1993; Fukuyama, 1997). These are articulated through collaboration between the professional and general public who gathered at the public hearing for the adoption of SPSP Belgrade Waterfront (2015). Moreover, networking and collaboration were emanated through smaller-scale protest at the public hearing for the purpose of adopting the SPSP (2015) as well as the additional constant public gatherings and protests at the development location, in public assembly, at the public Serbian Town Planners Association exhibition '*Salon of Urbanism*' (7.7), and more. Another large-scale public protest was conducted after the prime minister officially signed the contract with the foreign investor (figure 7.10).



Figure 7.7: Protest at the ‘Salon of Urbanism’, source: [www.designed.rs](http://www.designed.rs)



Figure 7.8: Protest ‘We won’t let Belgrade d(r)own’, organized by the NGO ‘Ministry of Space’, source: Ministry of Space, Facebook page



Figure 7.9: Protest ‘We won’t let Belgrade d(r)own’ organized by the NGO ‘Ministry of Space’, source: Ministry of Space, Facebook page

What should be mentioned is that networking between the members of public in Belgrade Waterfront case was inspired by the NGO ‘Ministry of Space’s initiative to object the Belgrade Waterfront project. This NGO was the first to organize public gatherings, mainly through Facebook but also through local newspapers (Figure 7.9, 7.9 and 7.10). The organization gained support from the general public, as well as university professors, professionals from the field of planning and architecture, members from professional associations such as ‘Transparency Serbia’, Anti-corruption agency, Association of Architects Belgrade, Academy of Science and Art, and more (Figure 7.11).

Therefore, it can be argued that although Belgrade Waterfront project did not provide any ‘hard’ outcomes at this stage, it produced significant ‘soft’ outcomes such as increased public awareness of urban planning practice in general, as well as social capital and networking in particular in relation to the Belgrade Waterfront project. As Healey (2006) suggests, these ‘social outcomes’ can also represent an initiative towards the new institutionalism. This is based on the fact that the Belgrade Waterfront project obtained around 2000 complaints while several thousand people participated at public protests. These actions are seen as a ‘*revolutionary*’ (PS 11) and take a form of a ‘collective social engagement’ as a response to the authoritarian governance (Ivković, 2016:356). Here, the possible creation of new institutions relates to dynamic, relational view of social action (Healey, 2006:302).



Figure 7.10 Local newspaper of the NGO ‘Ministry of Space’: Mechanism of a fraud, source: author





Figure 7.11: Experts forum organized by the NGO ‘Ministry of Space’, source: [www.kontrapress.com](http://www.kontrapress.com)

At this stage, the case of the Belgrade Waterfront project provides an insight into the outcomes of planning practice based on the assumptions of interviewees and participants at public discussions and the content analysis of planning documentation, and it is not based on the actual implementation of the project. However, besides offering some additional insight of the context in which ‘the public interest’ is framed, these findings represent valuable evidence to the strong reaction of the general and professional public, which can be considered a ‘soft’ outcome of the contemporary case. The neighbourhood level case of Stepa Stepanović might provide more consistent findings on the possible outcomes of contemporary planning practice ‘in the public interest’ at the lower level of observation.

### ***7.6.2 Neighbourhood case - Stepa Stepanović***

As mentioned by some interviewees and participants at the public discussions on the Belgrade Waterfront development in the previous section, the implementation of ‘the public interest’ within outcomes of contemporary planning practice now is mostly related to economic arguments, alongside the social and ‘technical’ ones. The case of Stepa Stepanović demonstrates that these assumptions also pertain to neighbourhood-level development. Moreover, the Stepa Stepanović could potentially provide substantive data on the actual outcomes of contemporary planning practice.

As was the case in the Belgrade Waterfront project, the economic viability of Stepa Stepanović is one of the central issues in interviewees' narratives. The notion of economic interest as a 'compulsory' outcome of the contemporary practice of State development 'in the public interest' is reflected in the profitable / residential character of the flats in the Stepa Stepanović neighbourhood. Various interviewees mentioned that Stepa Stepanović *'would have been a good example of planning 'in the public interest' if the flats were actually non-profit as they had been advertised in media'* (PS 1).

The discussion on the legitimacy of State intervention in the market has already been elaborated in Chapter 6 (section 6.4.3). The introduction of *Lex Specialis* for the purpose of encouraging the construction industry in the times of crisis provided a legal base for the Stepa Stepanović development. Another point mentioned by the interviewees is the 'exceeded norms' for profitable land-use, and the fact that the expected development of public land-use and SGIs (school, kindergarten) is either replaced with profit land-use or still not complete. One interviewee explained: *'...When the State was building flats for sale in Stepa, they were extremely quick, but when it comes to the public facilities, they are failing'* (PS 9). Both planning practitioners and residents of Stepa Stepanović mentioned the main issue of the project as the lack of implementation of public and non-profit land-use and SGIs from the plan.

As addressed in Chapter 3 (section 3.5.1), some of the citizen's most basic social rights are realized through public services. The definition of SGIs emphasizes the responsibility of public authorities to ensure the supply of these services, regardless of whether they are profitable within the free market economy. However, this was not the case in Stepa Stepanović project, as one interviewee explained:

*'We planned one health facility within the project. That health facility was supposed to be public - which means free of charge. It turned out to be private and without enough capacities. I agree that any health facility would be good to have there, but as the State entered this project as an investor, they are obliged to provide at least public basic public goods so people can live normally.'*

(PS 7)

Another resident of Stepa Stepanović explained:

*'What is happening today? The State enters the market and develops bad quality flats and by using all the benefits of free of charge construction land and*

*infrastructure that private developers don't have! By doing so, they dare not to develop basic public services such as school, kindergarten etc. – that is a reflection of a weak State that we cannot trust!'*

(GP 7, emphasis added)

Residents considered the implementation of other 'advertised' public land-use such as a green market, school, community centre, post-office and kindergarten. Instead, they witnessed the emergence of private interests in the form of a gas station and church. Besides the lack of implementation when it comes to basic SGIs, some residents of Stepa Stepanović addressed additional issues, such as the bad quality of materials, the poor connectivity of the existing heating pipeline causing low temperatures in both Stepa Stepanović and other surrounding neighbourhoods, and the lack of public transport close to the neighbourhood.

While some qualitative data on the actual outcomes of the project were derived from interviews with residents, the most valuable source of data was the website [www.stepa.rs](http://www.stepa.rs) where residents discuss issues in the neighbourhood which they hope to resolve collaboratively, as well as providing guidance and support to other members. Some of the subjects with most replies of the 'Stepa forum' include: 'fighting for SGIs in the neighbourhood', 'We are tricked – let's organize a LAWSUIT', 'issues with parking', 'organization of leisure activities for children in the neighbourhood', 'problems with heating system', 'repair of technical issues in public corridors', 'public lighting', 'public transport', 'cleaning of shared communal areas' and many more (figure 7.12).

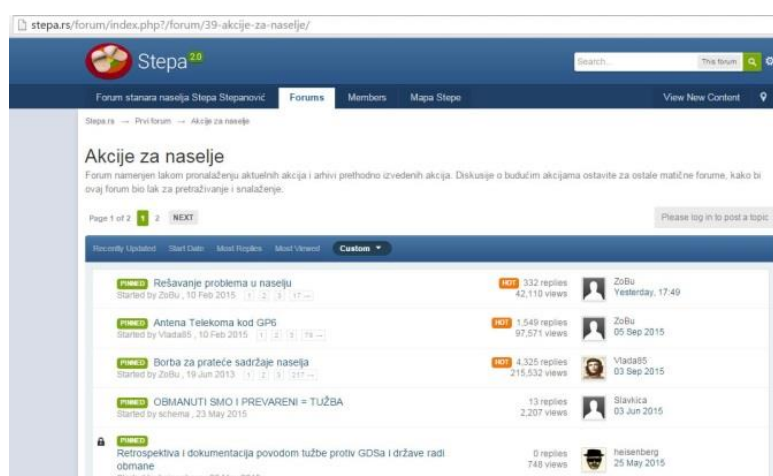


Figure 7.12: Web page of public online forum 'Stepa', source: <http://stepa.rs/forum/>



Some of the discussions on this forum, such as ‘Fighting for SGIs in the neighbourhood’ had more than 200 000 views. This data provides evidence that some of the general public that lives in this neighbourhood, from among the 13 000 residents, is possibly interested in collaborating and networking in order to resolve problems that are outside of the frame of individual scope and private ownership, and concerned with general or public interest. As such, initiatives like networking and the web page, also arguably represent an outcome of the planning practice ‘in the public interest’ in the neighbourhood case of Stepa Stepanović, expressed in a form of social capital.

It should be mentioned that the residents of Stepa Stepanović organized a public protest (Figure 7.13 and 7.14) in order to obtain a green market, school and kindergarten. This protest was partly successful, as the Land Development Agency agreed to develop the kindergarten and school and the construction work has been initiated since the beginning of this research. However, the development of the health clinic is still in question. One resident explained:

*‘Only after we performed a public protest, we got the school and kindergarten... I knew it was risky to purchase a flat developed by the private investor due to the cheap materials they use in order to maximize profit, but I also lost trust in State development’*

(GP 8)

According to interviewees, the difficulties in implementing these ‘hard’ outcomes caused social reaction through the public protest. What should be mentioned is that in the case of the Stepa Stepanović protest, the community organized themselves through networking on the forum, where all the conversations are publicly available.

The interviewee above also mentioned the issue of losing trust in the State’s contemporary development. Another resident of Stepa Stepanović said: *‘...we feel tricked and hoodwinked, because we bought flats based on the experience with State development during socialism’* (GP 7). The issues that this inhabitant mentioned are in line with the legal insecurity in the implementation of the plan. Hence, it can be argued that findings from both socialist and Stepa Stepanović case suggest that both planning professionals and residents relate the ‘trust in State development’ with its ability to deliver the ‘public interest’ as public good (rather than private interest) from the plan.



Figure 7.13: Public protest in Stepa Stepanović neighbourhood, source: blic.rs



Figure 7.14: Public protest in Stepa Stepanović neighbourhood, source: blic.rs

While this section looked at some of the ‘hard’ and ‘soft’ outcomes of contemporary planning ‘in the public interest’, the following section will provide conclusions that were derived from the analysis of actual and potential outcomes of socialist and contemporary examples in Belgrade.

## 7.7 Conclusion

This chapter started off by presenting the findings of content and simple quantitative analysis of norms, standards and urban regulation for public land-use in the generation

of city and neighbourhood plans in relation to the proposed cases of planning ‘in the public interest’. This part of the analysis served to provide possible data for triangulation of findings about the treatment of norms and standards for public, non-profit land-use and SGIs between socialist and contemporary cases. The quantitative inquiry thus showed a general trend of reducing norms for public land-use and SGIs in contemporary in comparison to socialist planning practice, while some of them remained similar or unchanged.

It is therefore not unusual that the consistent implementation and social sustainability of generous norms and standards for public land-use and the availability of SGIs are perceived as positive outcomes of socialist planning practice, at both city and neighbourhood level, by most of the interviewees in this research. While planning professionals consider the value of the unusual combination of scientific approach to planning and the State’s large-scale intervention in space, they also mention the importance of practice that was ‘carefree of private and commercial interests’. Residents mostly share this point of view from the lower scale of observation, where they point out the way urban form and the non-profit character of services contributes their quality of life. Therefore, it can be argued that most of the interviewees justify the State’s top down approach to planning based on generally positive outcomes of socialist practice. Hence, it is suggested that ‘the public interest’ for them has dominantly normative value addressed through the norms for development of public land-use.

Additionally, both planning professionals and residents of Block 23 mention the notion of ‘trust’ in socialist State development, which can be regarded as a soft outcome of socialist planning ‘in the public interest’. While ‘trust’ in the socialist State’s development can be explained by the generous standards of development that extend to the good quality of materials and spacious flats (residents of Block 23), for planning professionals this also implies path-dependency when handling the planning of contemporary State projects such as the Stepa Stepanović neighbourhood (Chapter 6, section 6.4.3).

Residents also mentioned some other consequences of the path-dependent nature of planning in Serbia, in relation to the development and maintenance of public housing. These ‘soft’ outcomes refer to the lack of social capital and networking between some of the residents in resolving some of the shared communal issues in New Belgrade’s

neighbourhoods. Although these issues can be related to other contexts outside the frame of post-socialist Serbia (Knickmeyer et al., 2008), various interviewees relate them to the path-dependent nature of urban development characterized by the socialist government's relation towards the maintenance of public housing, as well as the post-socialist government's response to unsettling societal changes such as wars in the 1990s, large-scale migration into Belgrade, as well as Milošević's 'welfare politics', which increased privatization of public housing stock and large-scale informal development.

In these circumstances, the definition of 'the public interest' in outcomes of planning practice can also be regarded as a changing notion. Political decisions in favour of the 'cheap' privatization of housing stock and informal development at the time were presented as 'in the public interest' as a respond to a large-scale housing demand and in order to preserve 'social peace' in the times of war, embargo and inflation (Petovar, 2008). This definition of 'the public interest' is similar to the socialist insofar as it is also concerned with the satisfaction of large-scale housing needs. However, the mechanisms of delivering 'the public interest' and general character of the outcomes of these practices differ widely.

On the other hand, the definition of 'the public interest' in contemporary cases is different to that of the socialist and early post-socialist eras. Compared to the outcomes of socialist cases of planning in 'the public interest', the most notable difference is the nature of the contemporary developments, which had to ensure profit besides the non-profit land-use in the Belgrade Waterfront case, while the Stepa Stepanović case shows that private and profit interests have been emanated instead of the public land-use from the plan (table 7.7). However, the findings in Belgrade Waterfront case testify to the lack of trust in the future project as an economically viable one due to the issues of corruption and selective employment of Serbian construction companies, but also the low purchasing power of potential buyers of residential housing. Moreover, interviewees and participants at public discussions were concerned about technical, social and environmental issues such as the development of extremely high objects, the relocation of the main train station, gentrification, the creation of gated space and gated communities, where the access to river will become limited for general public.

	<b>Outcomes (socialist)</b>	<b>Outcomes (contemporary)</b>
<b>Norms and standards</b>	<ul style="list-style-type: none"> <li>- Non-profit ‘utopian’ city based on generous norms</li> <li>- Satisfactory distribution of non-profit, public land use and SGIs within New Belgrade blocks</li> <li>- ‘Good legacy’ of open block which is comfortable for living (availability of SGIs within blocks)</li> </ul>	<ul style="list-style-type: none"> <li>- Profit besides non-profit and public land-use</li> <li>- Lack of implemented and developed SGIs at neighbourhood level</li> </ul>
<b>Legal as legitimate</b>	<ul style="list-style-type: none"> <li>- Aiming for legitimacy of State’s top-down approach to planning and development</li> <li>- Trust in State’s development</li> </ul>	<ul style="list-style-type: none"> <li>- Aiming for legitimacy of State’s top-down approach to planning and development</li> <li>- Legality through new, parallel legal and planning framework,</li> <li>- Lack of trust in State’s development</li> </ul>
<b>The role of planning professionals</b>	<ul style="list-style-type: none"> <li>- Top-down decision-making</li> <li>- Technocracy</li> </ul>	<ul style="list-style-type: none"> <li>- Top-down decision-making</li> <li>- Continuous technocracy</li> </ul>
<b>Public participation</b>	<ul style="list-style-type: none"> <li>- Consistent implementation of the top-down approach to planning and development</li> <li>- Lack of social capital</li> </ul>	<ul style="list-style-type: none"> <li>- Legitimacy of State’s top-down approach to planning and development</li> <li>- Reaction of general public to the top-down approach to planning/ social capital via collaboration, networking, experts’ forums, public forums, public protests, web page, Facebook page, newspapers</li> <li>‘We won’t let Belgrade d(r)own’</li> </ul>

Table 7.7: Socialist and contemporary outcomes of planning ‘in the public interest’

In the case of Stepa Stepanović, the ‘hard’ outcomes involve development of profit / residential housing instead of the advertised non-profit one, and lack of implementation when it comes to basic SGIs in the neighbourhood. Accordingly, the ‘soft’ outcomes include the ‘lack of trust in State’s contemporary development’, as well as the creation of social capital through citizens’ collaboration and networking, establishing the Stepa forum web page and organizing successful public protest in order to obtain a school and kindergarten.

These findings are similar to some of the ‘soft’ outcomes of ‘collective social engagement’ in the Belgrade Waterfront case (Ivković, 2016:356), where citizens collaborated to resolve issues of common or public interest. It should be mentioned that in the Belgrade Waterfront case citizens and professionals gathered around the initiative of NGO ‘Ministry of Space’ and through a series of public meetings. This contrasts with the slightly different social reaction in a form of ‘civil initiative’ in the Stepa Stepanović case, where citizens organized themselves through the forum. Nevertheless, both cases

indicate the importance of social media and the web in creating social capital. The possibility of creating social networks and collaborating towards achieving common interests might indicate the possibility of the emergence of new institutions through social action, too (Healey, 2006). Institutions are here seen in terms of their capacity to conduct practices ‘which structure action in social contexts’ (Healey, 2006:302). This notion will be re-visited in Chapter 8, which discusses the theoretical implications of planning ‘in the public interest’.

This chapter aimed to provide an insight into the potential and actual outcomes of the contemporary cases of planning ‘in the public interest’ from the perspective of planning professionals and several residents of the neighbourhood cases. The following chapter will aim to ‘bring together’ the findings obtained in chapter 6 and 7, and ‘unwrap’ them in order to reveal the potential causal relations between the process and outcomes in socialist and contemporary cases of planning ‘in the public interest’.

## **Chapter 8 Practical and theoretical implications of planning ‘in the public interest’**

### **8.1 Introduction**

Chapters 6 and 7 aimed to provide an in-depth understanding of the changing role of ‘the public interest’ by looking at its articulation within the process and outcomes of identified case studies. This chapter will offer findings that were derived from case study analysis and are concerned with the practical and theoretical implications of planning ‘in the public interest’.

Both Forester (1999) and Fainstein (1999, 2005) suggest that the process and outcomes of planning should not be regarded as separate spheres, but ‘brought together’ and observed in relation to the local context in order to reveal possible implication for planning theory. This chapter will therefore look at the relationship between the process (Chapter 6) and outcomes (Chapter 7) of planning ‘in the public interest’, identified as the global analytical framework (Chapter 5, section 5.1). Considering the process as well as outcomes of planning practice might provide an understanding of whether and how the existence, or lack thereof, of ‘the public interest’ in the process stage necessarily implies a corresponding existence, or the lack thereof, of ‘the public interest’ in outcomes of planning practices. Thus, these findings could potentially serve as a basis for a re-evaluation of planning theory.

### **8.2 Process and outcomes of planning ‘in the public interest’**

Chapter 6 aimed to consider the measures taken to ensure that ‘the public interest’ is served within planning procedures in socialist and contemporary cases, by addressing several themes. It looked at the possibilities of implementing norms and standards for public land-use and SGIs in the procedures of plan preparation, as well as the legal and legitimate scope and content of ‘the public interest’ within city and neighbourhood-level cases. It also aimed to consider the role of planning professionals in relation to the possibilities of implementing ‘the public interest’ from the plan. Finally, it looked at the characteristics of the process of public participation and availability of information.

As mentioned, some of these dimensions, such as planning of norms and standards for public land-use, and adherence to the legal framework, were derived from interviews as normative dimensions of ‘the public interest’ in planning. As such, they are defined and

implemented through a top-down approach, in line with the ruling ideology, and perceived by the majority of interviewees as ‘the basic public interest in planning’. On the other hand, the dimension of public participation is perceived as the bottom-up instrument for addressing ‘the interest of the public’ by some of the interviewees. As such, it can be understood as a procedural means of accessing the substantive expression of ‘the public interest’ in planning.

While Chapter 6 was concerned with the process of planning ‘in the public interest’, Chapter 7 aimed to provide an understanding on the articulation of ‘the public interest’ through actual and potential outcomes of both city and neighbourhood level cases. Additionally, quantitative analysis of city and neighbourhood plans presented evidence on changes in norms and standards for implementing ‘the public interest’, particularly public land uses, from the plans in both socialist and contemporary cases.

Based on findings in Chapter 6 and 7, it is suggested that some of the main procedural differences between socialist and contemporary planning ‘in the public interest’ are reflected in the lack of public engagement when socialist cases were initiated, as opposed to the contemporary cases, which both included public hearing for the purpose of plan adoption (Table 8.1 and 8.2). If observing the outcomes of planning, the socialist ruling ideology led by Marxist values and economic equity ideals delivered large-scale public land-use and administrative areas, while the ruling market economy ideology implied the development of large-scale for-profit development, in addition to the more limited non-profit land-use (Table 8.1 and 8.2).

The aim here is to provide an understanding of whether the lack of procedural ‘public interest’ in socialist cases implied the lack of ‘the public interest’ in outcomes; and also whether the existence of the possibility to engage procedural ‘public interest’ in contemporary cases implied that the ‘the public interest’ is achieved in both process and outcomes. The discussion in this section will explore the relations between the process and outcomes of socialist and contemporary planning practices ‘in the public interest’. In addition, this chapter will aim to address whether and how the findings in this research contribute to existing theory on the role of ‘the public interest’ in planning.



	<b>Socialist Process</b>	<b>Socialist Outcomes</b>
<b>Norms and standards</b>	<ul style="list-style-type: none"> <li>- Consistent implementation of norms and standards for public, non-profit land use and SGIs</li> <li>- Staying in line with the norms proposed in city-level plans and consistent implementation of standards for the 'open block' at neighbourhood level</li> </ul>	<ul style="list-style-type: none"> <li>- 'Utopian' city based on generous norms</li> <li>- Satisfactory distribution of non-profit, public land use and SGIs within New Belgrade blocks</li> <li>- 'Good legacy' of open block which is comfortable for living (availability of SGIs within blocks)</li> </ul>
<b>Legitimizing decisions</b>	<ul style="list-style-type: none"> <li>- Commitment to Athens charter (scientific approach to planning and 'applied functionalism')</li> <li>- Non-profit character of development</li> <li>- State intervention to provide legitimacy</li> <li>- 'Strong' legal framework and commitment to its implementation</li> <li>- 'Meaningful' public participation in 1970's</li> </ul>	<ul style="list-style-type: none"> <li>- Trust in State's development</li> <li>- Aiming for legitimacy through State's top-down approach to planning and development</li> </ul>
<b>The role of planners</b>	<ul style="list-style-type: none"> <li>- Technocracy based on the rational/scientific approach to planning</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous technocracy</li> <li>- Public interest as public land-use</li> </ul>
<b>Public participation</b>	<ul style="list-style-type: none"> <li>- Lack of mandatory public participation until 1960s</li> <li>- Existing public competitions</li> </ul>	<ul style="list-style-type: none"> <li>- Legitimacy of State's top-down approach to planning and development</li> </ul>

Table 8.1: Process and outcomes of socialist planning practice 'in the public interest'

	<b>Contemporary Process</b>	<b>Contemporary Outcomes</b>
<b>Norms and standards</b>	<ul style="list-style-type: none"> <li>- Inconsistent implementation of norms and standards for public, non-profit land use and SGIs</li> <li>- Not staying in line with the norms proposed in city-level plans and inconsistent implementation of standards for the 'open block' at neighbourhood level</li> </ul>	<ul style="list-style-type: none"> <li>- Profit besides non-profit and public land-use (where public land-use is jeopardized)</li> <li>- Lack of implemented and developed SGIs at neighbourhood level</li> </ul>
<b>Legal as legitimate</b>	<ul style="list-style-type: none"> <li>- Parallel legal and planning framework</li> <li>- State intervention to provide legitimacy</li> </ul>	<ul style="list-style-type: none"> <li>- Aiming for legitimacy through State's top-down approach to planning and development</li> <li>- Legality through new, parallel legal and planning framework</li> <li>- Lack of trust in State's development</li> </ul>
<b>The role of planners</b>	<ul style="list-style-type: none"> <li>- Contemporary technocracy</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous technocracy</li> <li>- Public interest as public land-use</li> </ul>
<b>Public participation</b>	<ul style="list-style-type: none"> <li>- Declaratory public participation</li> <li>- Lack of public competition</li> </ul>	<ul style="list-style-type: none"> <li>- No balance achieved between private and public interests</li> <li>- Large-scale reaction of public</li> </ul>

Table 8.2: Process and outcomes of contemporary planning practice 'in the public interest'

### 8.2.1 *Process and outcomes of socialist planning practice*

Previous chapters provided evidence that the socialist cases of planning ‘in the public interest’ are mainly characterized by strong instrumentalist and rationalist doctrines. These are reflected in the actions of the Yugoslav Socialist State that provided the opportunity to implement large-scale social housing, SGIs and administrative development through the commitment to the Athens Charter, while retaining strict control over the procedures and land ownership, and without obligatory public involvement until the 1960s. Thus, what was ‘in the public interest’ can be considered as defined and implemented mainly through the top-down approach to planning.

Besides acknowledging the dominant top-down approach to defining and implementing ‘the public interest’, most of the interviewees justified the actions of the State based on the generally positive perceived outcomes of planning practice. While planning professionals addressed these outcomes through city-level plans, implemented norms and standards as well as distribution of SGIs in New Belgrade, residents of Block 23 noted how these contributed to their quality of life.

It could thus be concluded that ‘the public interest’ held (and still holds) a legitimizing role for planning decisions in the identified socialist cases. Moreover, it served as a benchmark for the evaluation of socialist planning ‘in the public interest’ based on the sustainability of urban development in New Belgrade, and Block 23 specifically. However, due to the retrospective nature of this research, it would be challenging to examine if ‘the public interest’ represented any criterion for plan preparation, or an ethical norm for socialist planners who were involved in developing the early New Belgrade in the 1950s.

Early socialist cases imply the lack of legal obligations to conduct public engagement. Improvements in this field were implemented through the Law on Planning and Construction (1961) that set out a framework for mandatory involvement of citizens in the plan preparation phase, as well as the possibility to submit complaints to the plan. Later practice shows more tendencies towards ‘*wide and meaningful involvement of citizens through various formal and informal participation techniques*’ (PS 7). These were recognized in the Law on Planning and Construction (1974) through extensive public participation and public discussions to provide feedback and evaluation of Draft

plans. The case of Block 23 provided an insight into the process of public hearing through available documentation that represents part of the Amendment of DUP (1987). Additionally, national and international public competitions have been an obligatory phase of plan preparation since the early socialist era when the development of New Belgrade was initiated (GUP, 1950).

These aspects of the planning process during socialism that refer to transparency and participatory engagement are regarded as *'positive and avant-garde when compared to the contemporary practice'* (PS 13). Nevertheless, it can be argued that some of the measures to address the bottom-up 'public interest' after 1960 could have been only declaratory and served to provide legitimacy for the pre-determined goals imposed through the top-down approach to decision making. Also, as this research took into account the central part of New Belgrade that was mostly developed in the early socialist era characterized by a general lack of public participation, it can be argued that 'what is in the public interest' was defined and implemented mostly top-down and in line with the interests of the State and ruling ideology.

Hence, it can be concluded that although the socialist cases analysed for the purpose of this research were characterized by a lack of procedural 'public interest' obtained through bottom-up participative planning process, the findings imply that the outcomes of socialist planning are now observed as generally positive and 'in the public interest'. These understandings are based on both qualitative and quantitative evidence. What should be mentioned is that while the outcomes of socialist practice are considered generally positive in relation to environmental or social aspect of sustainability, they might have not been as successful in regards to the economic viability dimension due to, for example, 'over-dimensioned' public space in New Belgrade blocks and the small construction indexes, which imply the lower value of plots. Moreover, several interviewees criticized the commercialization of New Belgrade by 'filling in' the generous free public space.

Hence, the idea that most planning professionals and residents do not perceive economic viability as a compulsory 'public interest' criterion in outcomes, as might be the case in a traditionally market economy society (Sager, 2005), is an underlying but significant finding of this research. The reason for these attitudes might lie in the notion of path-dependency, where 'the public interest' was equated with State intervention in

delivering public goods exclusively under socialism. On top of this, during socialism Serbian planners were ‘liberated’ from providing economic arguments for planned developments, because the State was the major investor and developer. According to interviewees, this practice can be extended to contemporary circumstances, too, although the ruling ideology has changed to a market economy.

Moreover, interview data shows that while the majority of Serbian planning professionals strictly separate the notion of public and economic / private interest, and do not perceive these as causal spheres, some of them hold the view that private economic interest is *‘the most dangerous opponent to the public interest’* (PS 15). Additionally, this notion is recognized in repetitive quotes such as *‘the interest of private investors was much stronger than the public interest’* (PS 16). Considering ‘the public interest’ through non-profit development only might therefore be rooted in some other particularities of daily practice of planning professionals, alongside the path-dependency. Several interviewees mentioned ‘fighting with the private developer’ to provide minimal public land-use, or witnessing how public goods get replaced by for-profit and private developments due to the pressures of the market economy. But mostly the concern was with issues of corruption, the lack of transparency, lack of inspection, and close links between politicians and ‘tycoons’ that enable frequent changes of plans in order to meet the interest of investors close to political party representatives. The investor is thus ‘attracted’ to develop by not being legally obliged to implement the SGIs from the plan as a non-profit land-use. Belgrade Waterfront is considered a clear example of such practice. In relation to the findings above, the following section will offer understanding of potential theoretical implications of socialist planning ‘in the public interest’.

### **8.2.2 *Theoretical implications of socialist planning ‘in the public interest’***

Yugoslav socialist planning practice is commonly considered to be based on the rational approach to planning (Lazarević-Bajec, 2011) where the procedures are arranged in order to achieve the desired outcomes (Alexander, 2000; Weber, 1922). In these circumstances, the role of planning professionals is perceived as technocratic (Vujošević & Petovar, 2008). It could be argued that socialist planners regarded technical norms and standards as sufficient instruments to protect ‘the public interest’ in plans, seeing as they were mainly educated in the field of engineering and liberated

from providing economic, social or environmental impact justifications for plans. Moreover, 'the public interest' was legally equated with the State's right to develop.

As mentioned earlier in this section, it might be argued that technocratic practice was enhanced by a public policy that was based on socialist welfare state doctrine. Additionally, the sole purpose of developing socialist New Belgrade was in line with the ruling ideology that aimed to 'leave a legacy' and a modernist / functionalist approach to planning, but also aimed for breaking from the Soviet socialist model, promoting Marxist values based on the equal distribution of resources and economic equity, and satisfying the needs of the growing community in Belgrade.

Given these circumstances, practice that is based on the normative approach to planning is often criticized for being restrictive towards planning professionals in relation to employing their values and ethics. On the other hand, similar statements related to the lack of autonomy of planning can be applied to the variety of the contemporary practices world-wide. As Long states:

'The question is not whether planning will reflect politics, but whose politics will it reflect... Plans are in reality political programs... In the broad sense they represent political philosophies, ways of implementing different conceptions of the good life.'

Long (1959:168)

Therefore, it can be argued that the socialist government prescribed and implemented the 'conception of the good life', which was successful in delivering 'the public interest' in the cases studied, due to being in line with the contemporary practitioners' and residents' perception of what 'the good life' is, even with the benefit of hindsight.

As Faludi (1973) states, if both ends and means can be subjected to rational consideration, then the ends can justify the means. In other words, the rational approach implies that the policy would be justified only if there was good reason for its implementation. In the case of New Belgrade, public policy was equated with 'the public interest'. It can therefore be argued that the normative 'public interest' designed and implemented by the ruling ideology (means) can be justified through the generally positive outcomes of such practice that are within the public realm (ends). In this potential tautology, both means and ends ought to be rationalized in terms of enhancing positive social change within the domains of social justice (Rawls, 1971 in Klosterman,

1978:43). In relation to the unitary approach to defining and implementing 'the public interest', this means that public policy should enhance 'the greatest equal liberty principle' where each individual has access to 'the public interest' that the policy aims to deliver. Moreover, public policy should tackle the concerns of the community in order to satisfy the 'basic public interest' and ensure 'fair equality' (based on Klosterman, 1978:43).

Finally, rational outcome-oriented planning as a base of socialist practice can be explained through unitary theory on the treatment of 'the public interest'. Contrary to utilitarianism, which considers 'the public interest' through the aggregation of individual values, the unitary concept 'bases the public interest on some collective moral imperative that transcends particular or private interest' (Alexander, 2002:230). These collective moral imperatives can be seen as influenced by the ruling ideology of the socialist doctrine. This assumption is based on the idea that 'unitary public interest' is regulated by the State or government, and should increase social justice 'which calls for authoritative redistribution to redress inequalities' (Alexander, 2002:231).

The most common critique of this unitary concept and rational planning is based on the dominantly normative approach to defining and implementing public policy without the participation of the public (Healey, 1996; Forester, 1996). The emergence of communicative approaches, where 'our ideas about ourselves, our interests, and our values are socially constructed through our communication with others and the collaborative work this involves', gained significant attention within planning theory (Healey, 1996:212). Thus, the following section on contemporary planning practice will discuss the theory of communicative action and collaborative planning in relation to the treatment of 'the public interest' with regard to process and outcomes.

If planning practice is inseparable from politics (Klosterman, 1978), it might be argued that even (declarative) collaborative practices are incapable of separating the substantive (bottom-up) from the normative (top-down) 'public interest'. In these circumstances, it can be assumed that 'good practice' that is essentially 'in the public interest' can be agreed on only if the interests of the highest level of the decision-making ladder are not different to a widely adopted definition of 'the public interest' (Campbell & Marshall, 2000). Hence, the acceptability of 'the public interest' is undoubtedly influenced by the

norms and values that are promoted by the ruling ideology, where there is a constant ‘tension’ between the prescribed ‘public interest’ and the interests of the general public.

According to the majority of planning practitioners interviewed for the purpose of this research, the socialist rational outcome-oriented model of planning was potentially successful in delivering ‘the public interest’, based on its accepted definition. However, the sustainability of this model remains questionable, if we consider that the interests of the highest level can be, but need not be, in line with the actual interest of public, as will be addressed in the following section.

### ***8.2.3 Process and outcomes of contemporary planning practice***

Compared to the strict, robust procedural codex that characterized socialist planning practice, contemporary planning ‘in the public interest’ is often characterized as ‘flexible’ in adjusting to the market economy. Although the meaning and definition of ‘the public interest’ are still regulated by the ruling ideology and implemented through a legal and planning framework, the changes to both instrumental and substantive understanding of ‘what is in the public interest’ are evident within both process and outcomes (Chapter 6 and 7).

Procedurally, the ‘flexibility’ of contemporary practice in implementing ‘the public interest’ is often related to the abolition / reduction of norms and standards for public and non-profit land-use as the ‘basic public interest in plans’ while answering to the requirements of market and private investors. The case of Belgrade Waterfront showed that the ‘Study on high-rise buildings’ (2010) was abolished while the higher-level plan (GUP, 2003) was amended in order to implement the SPSP (2015) with increased building heights and mostly commercial land-use. Moreover, interviewees were concerned about the issue of the relocation of main train station from the central zone, given that its future location would not provide the required capacities (from interviews). Additionally, the Stepa Stepanović case is often considered ‘oversized’ in terms of exceeding norms and standards for profit land-use in relation to the higher-level plan while failing to develop some of the basic SGIs from the plan and allowing the emergence of various private interests instead.

Along with the abolition and reduction of norms and standards for public and non-profit land-use, the flexibility of contemporary practice is closely related to the frequently-

changing legal and planning framework. Both processes in contemporary cases were characterized by the adoption of new laws (*Lex Specialis*) and planning documentation that required the amendment of higher-level plans in order to ensure the implementation of projects, while operating parallel to the formal planning system. The new framework aimed to enable the legality and enhance the legitimacy of substantive changes in defining 'the public interest'.

The measures of adopting 'parallel plans' and 'parallel laws' are also considered by the interviewees to be 'inverted procedures'. Thus, individual projects have the 'power' to change the legal framework as well as the implementation of higher-level plans, as opposed to staying in line with the higher-level requirements. It can be argued that, besides justifying the implementation of 'the public interest' in contemporary cases, the parallel legal and planning framework also aims to enhance the legitimacy and public acceptability of developments. However, in this respect it may be unsuccessful.

According to Petovar (2008:6), para-governmental institutions became para-political, whereas the role of planners seems to have remained technocratic. However, the influence of the State in defining and implementing 'the public interest' represents the central concern of some of the interviewees in both city and neighbourhood-level contemporary cases. In the case of Belgrade Waterfront the State represented the facilitator in amending the legal framework, conducting the expropriation of land, equipping the land with basic infrastructure and handing it to the private investor. In the case of Stepa Stepanović the State's role was that of main investor and it thus entered the market to develop for-profit housing.

Hence, the State's intervention is often related to delivering the normative expression of 'the public interest'. It is commonly attached to socialist planning practice and based on unitary theory where 'the public interest' is prescribed and implemented top-down. However, the narratives in this research that relate to criticizing the State's intervention in market testify that the State's role in contemporary cases does not necessarily imply the satisfaction of 'the public interest' in either process or outcomes of such practice. Procedurally, the State was criticized for its lack of transparency as well as the lack of meaningful public participation in handling the process of adoption of *Lex Specialis* and SPSP Belgrade Waterfront, where some of the employed actions can be even characterized as illegal according to the Anti-Corruption Agency Report (2016).



Additionally, critiques are related to the failure to implement the minimum of public and non-profit land-use from the plan, as well as the general low quality of developments and usage of cheap materials in the Stepa Stepanović project, and the arguable failure to realize the true value of city-centre development land in case of Belgrade Waterfront. The lack of implementation of these ‘hard’ outcomes caused a growing lack of trust in State development, which can be observed as one of the ‘soft’ outcomes of contemporary practice of planning ‘in the public interest’.

If compared to early socialist practice, where the involvement of public was not legally obligatory until 1960s, contemporary practice is characterised by improvements in the field of public engagement. Still, the majority of interviewees mentioned that the public participation in both contemporary cases had no real effect on the outcomes of these projects. In the case of Belgrade Waterfront this could be seen in the ‘ignoring 2000 complaints’. Additionally, the public hearing for the adoption of Urban Project Stepa Stepanović was criticized by some of the interviewees as *‘too short and not engaging future residents of this large neighbourhood’* (PS 3). Finally, some interviewees concluded that both public hearings were *‘manipulated and declarative processes in order to legitimize decisions as being ‘in the public interest’* (PS 9, emphasis added), and that *‘public hearing serves only to fulfil the legal obligation, but what is the real purpose of it I am not sure anymore...’* (PS 12).

Although the existence of the public engagement process did not affect the planned outcomes of developments, both contemporary cases obtained large-scale media attention as well as a genuine public reaction. As several interviewees mentioned, there is at present a

*‘raised awareness of planning practice after the adoption of the Belgrade Waterfront plan, where citizens recognize possibilities to complain and protest even if their voice wasn’t heard within formal public hearings’*

(GP 7)

Both contemporary developments witnessed public protests, due to both lack of procedural ‘public interest’ through transparent, participatory and democratic process and the lack of implementation of planned (Belgrade Waterfront) and implemented basic SGIs (Stepa Stepanović). While citizens gathered for protests against Belgrade Waterfront organized by the NGO ‘Ministry of Space’, the citizens in Stepa Stepanović recognized the possibility to collaborate with their neighbours in resolving communal

issues and organized a forum where they communicate on a daily basis ([www.stepa.rs](http://www.stepa.rs)). These can be observed as ‘soft’ social outcomes of contemporary planning ‘in the public interest’. However, as Healey (2006) suggests, these ‘social outcomes’ can also represent an initiative towards the new institutions that imply dynamic, relational view of social action (Healey, 2006:302). As such, they might also represent a future ‘basis’ for conducting different processes.

When it comes to the role of planners in facilitating public engagement, current planning practice is often characterized by the scepticism of professional elites towards the involvement of the public in the planning process (Čolić, 2012). Some of the narratives testify to this: *‘...the general public is not responsive enough; they are fighting for their private interests while not being able to perceive the public interest...’* (PS 6), or, *‘...the public can’t perceive our hard work to protect the public interest...’* (PS 12). Several interviewees mentioned how public representatives can also be a threat to the implementation of public land-use, in the fight for their own, private interests. The most common example of such practice is *‘an attempt to plan public land-use in informal settlements, where it means that people should give away a couple of metres of their plot for a road’* (PS 17). And, for example,

*‘...when I go to the public hearing I feel like an enemy of the public. They are not interested in what we have to say, and are impossible to talk to when they gather around their communal interests. There were several situations when I wanted to run away from the event...’*

(PS 1)

On the other hand, when explicitly asked how ‘the public interest’ should be framed, and whether ‘the public interest’ was something that should be defined by the State or the citizens, most of the planning practitioners said that ‘what is in the public interest’ should be reached in collaboration between the State and its citizens. Additionally, all of the planning practitioners recognized themselves as the ‘last warriors’ and ‘advocates’ of ‘the public interest’, whose implementation relies mostly on their own values, ethics and code of conduct. This notion reinforces the theoretical position that planning cannot be seen as a ‘value-neutral’ activity (Feinstein & Feinstein, 1971; Klosterman, 1978; Pušić, 2012). Hence, it seems that although all of the interviewees in this research understand that ‘what is in the public interest’ should be reached in consensus between the State and citizens, they still express scepticism towards the notion that the general public can and should ‘help them’ in the battle for ‘the public interest’.

Some of these narratives point to the continuing technocratic approach to planning and development, where the position of public participation as a bottom-up instrument for addressing public interests remains a formal legal obligation, rather than a real possibility for reaching a substantive understanding of ‘what is really in the public interest’. It should be mentioned that these were the views of some of the public practitioners interviewed for the purpose of this research. On the other hand, several interviewees (public, private, NGO sector and international consultancy representatives) recognized the importance of public participation as an instrument for conducting a democratic procedure that ensures transparency of the process, helps balancing public and private interests, improves capacity development of participants, and contributes to the sharing of knowledge and ideas, evaluation of the proposals, and so forth. However, most of the interviewees thought that the instrument of public participation was not effective enough, due to the pressure of politics and private investors as well as the lack of transparency and media freedom. In these circumstances, it is unlikely that the bottom-up expression of ‘the public interest’ will have any effect on the actual outcomes of large-scale profitable projects.

An important underlying notion that stems from socialist cases, and which implies that planning professionals do not perceive an economic component as a complementary one to ‘the public interest’ concept, can be extended with regards to the contemporary cases, too. The example of Stepa Stepanović shows that the general public, who gathered for the protest, sees ‘the public interest’ as separate from the economic or private components of development. In this case the private economic interest jeopardized the implementation of basic public goods. The collective normative conception of ‘the public interest’ in this instance seemed to be the ‘larger cause’ for conducting the protest, in addition to ‘fighting’ for individual or private interests only, as the utilitarian approach suggests. Additionally, this understanding can be extended with regards to the public reaction in the Belgrade Waterfront case, which was initiated during the non-transparent and tokenistic public hearing for the purpose of adopting the amendment of GUP. Hence, it can be argued that the gathered public did not only ‘disapprove’ the new definition of ‘the public interest’ that implies development of profit land-use (*Lex Specialis*), but that it perceives the democratic and participatory process as a complementary procedural articulation of ‘the public interest’ in planning, too.

These findings suggest the possibility of re-evaluating the collaborative planning theoretical idea that if ‘the participatory approach is adopted then the result will be in the public interest whatever the actual outcomes is’ (Campbell & Marshall, 2002:178). In Serbian contemporary cases, it appears that ‘the public interest’ is a form of social capital and possibly new institutionalism was not derived from an open and collaborative process, but rather as a reaction to the lack of truly democratic, open and collaborative process in the Belgrade Waterfront case; and, secondly as a reaction to the lack of implementation of normative public interest in a form of public goods in the Stepa Stepanović case. The following section will look at the possibilities for re-evaluating planning theory, as based on the empirical findings of contemporary case-studies.

#### ***8.2.4 Theoretical implications for the contemporary role of planning ‘in the public interest’***

Compared to the socialist understanding of ‘the public interest’ as based on unitary concepts and instrumental rationality, contemporary practice shows a tendency towards a procedurally substantive and possibly dialogical approach to addressing ‘what is in the public interest’. As Campbell and Marshall (2002:174) state, the procedural approach to defining ‘the public interest’ means that communicative rationality enhances ‘procedural norms and rules by which the public interest can somehow be discovered discursively through participatory practice’ (Chapter 2, section 2.4.2.). Through discursive practice ‘the public interest’ should reflect the variety of interests (Healey, 1997:297). Here, the procedural ‘public interest’ can be addressed in two ways. It represents the right for everyone to be treated fairly and equally in the decision-making process (Howe, 1992). Moreover, ‘the public interest’ is achieved through the transparency of process, where if ‘the participatory approach is adopted then the result will be in the public interest whatever the actual outcomes is’ (Campbell & Marshall, 20012:178).

The findings in this research, however, suggest that the existence of procedural ‘public interest’ through public engagement do not necessarily imply the fair and equal treatment of the interests of public, nor the existence of ‘the public interest’ in outcomes of planning practice. This provides a basis for the re-evaluation of the treatment of ‘the public interest’ within the collaborative approach to planning.

In both contemporary cases, the outcomes are not rationally justified as being ‘in the public interest’ by the interviewees in this research, despite the understanding that they are socially pre-conditioned and constructed (Healey, 1997). Here, both cases provide a basis for challenging the notion that the existence of ‘public dialogue space’ (Forester, 1999) implies that everybody has the means and rights to communicate towards achieving their interests (Flyvbjerg and Richardson, 2002). Hence, powerful decision-makers use the public arena to impose their understanding of ‘what is in the public interest’, where the interests of the public (in the public arena) were out-powered without any possibility for discussion (based on Lukes, 1974). The seemingly tautological stand employed by the participatory approach, that its procedures would provide ‘the public interest’, no matter the actual outcome (Campbell & Marshall, 2000), can be criticized too, because not all collaborative processes guarantee fairness of either process or the results of planning practice (Healey, 2003: 115).

The local planning context is a field where power is manifested. Therefore, one way to understand the interests and power relations is to look at the outcomes of planning practice, as discussed in the paragraph above. However, the collaborative approach takes the position that process and outcomes should not be strictly separated as in the rational approach to planning. As Healey (2003:110) points out, the content and process of planning are to be established together, they are not separate spheres. In addition, the process should not be regarded as an entity, because every process has its outcome. Similarly, Innes and Booher (1999) take the position that, in a collaborative approach to planning, ‘the process matters in and of itself’.

The notion of ‘blur’ between the process and results in collaborative practices can be approached through the recognition of tangible as well as intangible outcomes (Innes and Booher, 1999). While tangible outcomes are easily observed through built environment and / or consensus-building, intangible outcomes are attached to the process and recognized through enhancing the ‘social, intellectual, and political capital’ (Gruber, 1994:5 in Innes & Booher, 1999). It can thus be argued that ‘the public interest’ in the contemporary cases was not justified through tangible outcomes, due to the fact that the consensus was not reached but ‘prescribed’ through the top-down approach. Hence, the built environment testified to the implementation of private interests facilitated by the State, rather than ‘the public interest’. Nevertheless, the social networking and social capital, cognitive skills in the field of planning, recognition of

power relations and possibilities to object to the planning solution, the use of different modes of dissemination of information and ultimately new institutionalism - represent the substantive articulation of the 'public interest' in contemporary cases. These can be observed as intangible, 'soft' outcomes of the planning process. Moreover, according to Healey (2003), these intangible 'soft' outcomes, such as the creation of new social networks and institutions, could potentially become a crucial part of some future processes:

'How these struggles played out, and what they left behind in the store of experience in urban governance cultures, made a difference not merely to the outcome of such partnership efforts themselves, but to what kinds of processes would evolve in the future.'

(Healey, 2003:107)

The contemporary cases thus show that outcomes cannot be observed separately from the process, but also that intangible, 'soft' outcomes cannot be observed separately from tangible ones - they are in constant tension and interference. This is based on the understanding that, procedurally, both contemporary cases did provide the possibility for public engagement – these opportunities existed *formally*, even though they were declarative, manipulated, and only found at the end of the planning process. The purpose of the process was to inform the general public about future activities and provide legitimacy for the development, rather than consult or actively involve citizens and other stakeholders. Therefore, it can be assumed that, despite the strong reaction of the general public during and after the public hearing for the purpose of adopting the SPSP Belgrade Waterfront (2015), other intangible outcomes such as social networking and social capital were manifested only after the projects were implemented (Stepa Stepanović) and failed to provide basic SGIs while allowing the emergence of private interests. In other words, the 'positive' intangible outcome such as social capital or possibly new institutionalism can be observed as a reaction to the lack of the 'public interest' in the process (Belgrade Waterfront) and / or intangible outcomes (Stepa Stepanović), in addition to an outcome of a collaborative planning process, as Campbell and Marshall (2000) or Healey (2003) suggest.

Contemporary cases in this research also imply that the legitimacy of developments 'in the public interest' is not regulated by fair and just procedural measures or the implementation of satisfactory technical norms only, but is constructed and shaped in

line with the ruling ideology. Although the ruling ideology in Serbia has changed from a socialist to a market-economy, where State intervention in both contemporary cases is rationalized through an economic dimension, it appears that the widely-adopted understanding of 'what is in the public interest' remains unchanged. The majority of interviewees still perceive the desirable outcomes as within the public, as opposed to commercial / private realm. Therefore, the path-dependent nature of Serbian planning practice can be foreseen as an obstacle to the public acceptability towards the legally changed definition of 'the public interest', brought forward by the market-economy era.

Finally, it can be argued that the findings in this research are in line with one of the most common critiques of the communicative rationality theory. In particular, the lack of concern for power relations and the variety of interests at the early stages of the planning process implies that the instrumental aspect in implementing 'the public interest' holds precedent over the substantive one (Flyvbjerg, 1998). Here, the means are still shaped by the desired ends / outcomes of development, and the engagement of public is conducted in order to provide legitimacy for the decisions being made. Additionally, the failure of the system to deliver 'the public interest' in process can be related to the underlying (or overreaching) notion of 'an elephant in the room', or, the non-transparent, autocratic and potentially corrupt political system that does not allow for meaningful or democratic planning processes, as was suggested in the Anti-Corruption Agency Report (2016).

### **8.3 Conclusion**

The findings presented in this chapter imply that although the socialist cases were implemented top-down without the participation of public, they were rationalized as 'in the public interest' through the means / ends argument. The normative expression of 'the public interest' as designed and implemented by the ruling ideology (means) was justified by the generally positive outcomes of such practice which are within the public realm (ends). The contemporary cases, on the other hand, imply that 'the public interest' in a form of social capital is not the result of open and collaborative processes, as suggested by Campbell & Marshall (2012:178). These were derived as a reaction to the lack of procedural possibility to address the substantive expression of 'the public interest' in Belgrade Waterfront case; and, as a reaction to the lack of implemented normative 'public interest' through sufficient basic public goods from the plan.

These findings served for re-evaluation of communicative theory, where it is assumed that the result of participatory practice will be ‘in the public interest’. In contemporary Belgrade, the main obstacle to conducting a meaningful collaborative process was considered to be the non-transparent, autocratic and potentially corrupt political system. It is assumed that these circumstances mean the lack of system capacity to deliver basic public goods, while allowing various private interests to be enhanced instead. Along with path-dependency, which implies a relation between the implementation of ‘the public interest’ and State’s development of non-profit development, it can be concluded that contemporary obstacles described above potentially affect planners’ attitude towards separating ‘the public interest’ and economic interest.

The big question, then, is what can be done in order to challenge the political system in order to allow meaningful process ‘in the public interest’? Some other questions that this research might be able to clarify are: what, if anything, can be done to improve early recognition of the variety of interests in the planning process? And, what can be done to reconcile the claims between the economic development imperative and ‘the public interest’ concept? Moreover, what is the role of a contemporary Serbian planner in protecting ‘the public interest’ in the planning process? Some of these questions will be revisited in Chapter 9. The aim of the discussion there will be to propose possible directions for future planning practice in Serbia, in order to assure that ‘the public interest’ is implemented in both process and outcomes.

Some of the arguments offered in this chapter highlighted a need to approach the research of planning practice in relation to the treatment of ‘the public interest’ through both process and outcomes within the local context. Based on findings presented in this chapter, it can be suggested that recommendations for future practice in relation to the treatment of ‘the public interest’ in Serbia require careful consideration, rather than the prescribed model that might prove effective in traditional capitalist societies (Szelenyi, 1996). With this in mind, the following chapter will aim to suggest possible theoretical foundations for the ‘good’ approach to planning ‘in the public interest’ in the context of Serbia. In addition, it will provide recommendations for ‘good’ practice in relation to the treatment of ‘the public interest’ in contemporary planning.



## **Chapter 9 Conclusions and recommendations**

### **9.1 Introduction**

The previous chapter aimed to present findings on the relation between the process and outcomes of socialist and post-socialist practices of planning ‘in the public interest’ as ‘global’ themes of this thesis. Based on these findings, it pointed out possible theoretical implications in relation to the articulation of the concept in rational and communicative approaches to planning, as an overarching objective of this research. With that in mind, this chapter will offer conclusions in relation to:

- 1) The contribution of this research, by addressing the overall and specific objectives of the research,
- 2) A theoretical position, as the basis of practice that would ensure that ‘the public interest’ is met in both process and outcomes,
- 3) Practical procedural measures that are required to assure that the public interest is being served in the context of spatial planning and urban development;

Finally, this chapter will address the potential limitations of the study in relation to the research method and scope of the research. Moreover, it will aim to identify possible areas for future research.

### **9.2 Contribution of the research**

The possible contributions of this research can be placed in three categories. The first and the most ‘basic’ relates to recognizing and proposing a set of dimensions in Serbian planning practice where ‘the public interest’ is framed and articulated, as opposed to the wide-spread understanding that the concept itself cannot be empirically measured or verified. Secondly, by providing a basis for re-evaluating Alexander’s stance on the possible roles of ‘the public interest’ in planning, as an organizational theme of this research. Thirdly, the findings in this research offer a possibility to re-examine the role of ‘the public interest’ in normative planning theory in a post-socialist country context, as a ‘global’ and overarching aim of this thesis.

### **9.2.1 Basic level**

Firstly, this thesis showed that ‘the public interest’ should not be rejected as ‘a vague criterion whose application cannot be rationally defended or empirically verified’ Klosterman (1980:324). The concept itself can be used as a valid criterion for empirical research if placed within the local Serbian context. We recognized two approaches to defining the ‘the public interest’ – the normative and the substantive one. The normative approach was emanated through the given legal and planning framework as well as through dimensions of planning and implementing norms and standards for public land-use and SGIs, or, public goods, as well as land expropriation. The substantive approach to defining and implementing ‘the public interest’ is recognized through the bottom-up approach to planning, or, public participation.

It is assumed that both of these approaches affect the daily practice of Serbian planners. However, the majority of professionals interviewed for the purpose of this research regard the concept through its normative expression. In this sense, ‘the public interest’ refers to the possibility for planning and implementing norms and standards for public land-use and SGIs, and expropriating land for the purpose of developing non-profit land-use. Some of the interviewees suggested that ‘the public interest’ should represent the interest of general public, reached through a bottom-up, participatory approach to planning. Finally, all of the planning professionals agreed that ‘the public interest’ should represent a consensus between the State and its citizens, where they would consider themselves as ‘protectors’ of ‘the public interest’. This idea indicates that planning practice is not value-free and suggests a possible ‘broadening’ of the substantive over normative understanding of ‘the public interest’ in future practice in Serbia. It is assumed that these changes would ‘help’ planners to protect ‘the public interest’ in both process and outcomes, as will be suggested in the following sections.

### **9.2.2 Organizational level**

Besides identifying the possibility to operationalize ‘the public interest’ concept in Serbian planning practice, the findings of this research also provided a basis for the re-evaluation of Alexander’s theoretical stance on possible roles of ‘the public interest’ in planning. According to Alexander (2002), ‘the public interest’ has three roles in relation to the planning profession: to legitimize planning as a State activity; as a norm for planning practitioners and in their professional ethics; and as a criterion for evaluating

planning and its products – policies, projects and plans (Alexander, 2002:226–227). This research proposed a fourth role for ‘the public interest’ in planning as a criterion for the development of plans. This section will aim to draw out arguments for the re-evaluation of Alexander’s stance, based on our research findings.

*1) ‘The public interest’ as a legitimizing notion*

The findings from both socialist and contemporary cases showed that the most ‘obvious’ role of ‘the public interest’ recognized by interviewees is that of legitimization. The difference between socialist and contemporary cases lies in the nature of decisions being legitimized, as well as the measures employed to legitimize these decisions. These differences can be explained by the changing ruling ideology from Marxist socialism to a market-economy, as well as the path-dependency of contemporary Serbian planning practice and practitioners. The legitimacy of socialist developments ‘in the public interest’ was justified by most of the interviewees in this research based on the ‘satisfactory’ outcomes according to the normative definition of the concept. This notion can be observed in line with the assumption that most of the interviewees presume that the interests of the ‘powerful’, imposed through the top-down approach to planning in socialism, were not necessarily opposed to the interests of the general public. However, in early socialist cases there were no mechanisms to address the interest of the general public, which few planning practitioners considered an issue or obstacle to implementing the substantive expression of ‘the public interest’. It is thus assumed that path-dependency has an effect on the majority of Serbian planning practitioners’ understanding of ‘the public interest’ as a dominantly normative dimension, contrary to economic individualism, where the unitary approach to planning and development is legitimized based on the outcomes of socialist planning. A slight modification to this view is recognized in practice in the 1970s and 1980s (late socialism) which embraced more elaborate public participation and social research to potentially count up and aggregate individual preferences besides public goods.

Similarly, the contemporary cases indicate that the term ‘in the public interest’ is used to provide legitimacy for implementing the interests of the ‘powerful’ - referring to the State and certain private investors or groups close to the political establishment. However, contemporary cases also show that attempts to legitimize planning decisions were not necessarily successful in providing wide public acceptability for the projects.

There, the normative definition of what is ‘in the public interest’ has changed through parallel legal and planning frameworks. However, most of the interviewees do not justify the State’s interference into the market in both contemporary cases. They consider this kind of practice to be semi-justified as a policy of State intervention to stimulate economic activity (Belgrade Waterfront) and housing supply through directly commissioned development (Stepa Stepanović). However, this would not justify compromising housing and public land-use standards in both contemporary cases, or failing to develop the non-profit part of the project through SGIs in the Stepa Stepanović neighbourhood.

Along with objecting to the new legal definition of ‘the public interest’ in *Lex Specialis*, interviewees criticized the procedural mechanisms of implementing ‘the public interest’ from the plan. These critiques refer to the non-transparent, tokenistic procedures of the public hearing where 2000 citizen complaints ‘finished in the recycle bin’ in the Belgrade Waterfront case, and where the process of public participation for the Stepa Stepanović was short and did not include future residents. Hence, both contemporary cases indicate that, although they aimed to provide legitimacy for projects by conducting a public hearing process, the consensus had a declarative nature and was adopted through a prominently unitary approach to prescribing ‘what is in the public interest’ by the more powerful decision-makers (Lukes, 1974).

It can be concluded that contemporary cases were not as successful in attaining legitimacy for the decisions being made. This was partly due to the bottom-up understanding of ‘what is in the public interest’ through the provision of basic public goods, as well as the perspective that a transparent democratic process was not achieved. In this situation the new top-down definition of ‘the public interest’ implies provision of commercial private interests and tokenistic procedures of public hearing. Hence, the social reaction in the form of public protests in both contemporary cases could be considered evidence testifying to the lack of wide acceptance towards a contemporary definition and means of implementing ‘the public interest’.

## 2) ‘The public interest’ as a norm for planners

The findings from both socialist and contemporary cases confirmed that planning professionals consider ‘the public interest’ to be a norm in their daily practice, and that

it is possible to implement norms and standards in plans. Moreover, interview data showed that most Serbian planning professionals strictly separate the notions of public and economic / private interest, and do not perceive these as causal or complementary spheres. This might be a result of path-dependency, where ‘the public interest’ has been equated with the State’s intervention in delivering public goods exclusively, since socialism. On top of this, during socialism Serbian planners were ‘liberated’ from providing economic arguments for planned developments, as the State was the major investor and developer. According to interviewees, this practice has been extended to contemporary circumstances, too, although the ruling ideology has changed to that of a market economy.

Besides path-dependency, the reason planners only perceive ‘the public interest’ in non-profit development might be rooted in some other particularities of their daily practice, such as: witnessing how public goods get replaced by for-profit and private developments, issues of corruption, lack of transparency, lack of inspection, and the close links between politicians and ‘tycoons’. These conditions appear to enable frequent changes of plans in order to meet the interests of investors who happen to be close to political party representatives. Hence, several planners deny responsibility for non-implementation of ‘the public interest’ as public goods, where the pressures of other interests often lead to failures in their developments. At the same time, all planning practitioners interviewed for the purpose of this research consider themselves as ‘protectors’ and ‘advocates’ of ‘the public interest’, which perhaps indicates that they observe ‘the public interest’ criterion as an ethical norm that they employ in their daily practice.

From the observations above, it can be argued that planners perceive ‘the public interest’ in both their process and ethics, while the actual outcomes of planning appear as ‘out of their jurisdiction’, or, beyond their responsibility. This is different from what Howe states: ‘for the actors involved, it means that they are faced with decisions [explicit or implicit] about an ethics of conduct as well as an ethics of material outcome’ (Howe, 1990 in Healey, 2003:113). The reason some of the planning professionals in Serbia seem reluctant to acknowledge responsibility for the implementation of ‘the public interest’ in outcomes can possibly be explained by their ‘negative experience’ of the lack of sufficient regulatory mechanisms and / or legal security, and the fact that it is highly questionable if what appears in the plan would be actually implemented. The

failure of developing basic SGIs from the plan in the Stepa Stepanović case can be seen as an example of this kind of practice.

Some of the stances that Serbian planning professionals express throughout this research include adopting a normative rather than substantive view of ‘the public interest’ and perceiving individual economic interests as opposing ‘the public interest’. Moreover, they adopt a unitary rather than utilitarian approach to defining and implementing ‘the public interest’. This leads to a further consideration of Healey’s (2003:110) position. She explains that critical awareness of one’s practice

‘...involves the capacity to penetrate below direct interpersonal and deliberate strategic manipulation, to access an awareness of deeper cultural concepts and practices, and the relations of power that they embody. It requires an ‘archaeological effort’ of Foucauldian dimensions, so that people can become aware that what they do in routine ways is not inherently ‘natural’, but has become ‘natural’ through a social history of acceptance and embedding.’

Healey’s (2003:110)

From Healey’s standpoint, it appears that contemporary Serbian planners have an embedded notion of ‘what the public interest is’ which is often articulated through the provision of public goods through normative and unitary approach to planning. She suggests that planners should acknowledge that this stance is ‘not inherently natural’, but that it became ‘natural’ through a history of acceptance, or, path-dependency in the Serbian case.

Nevertheless, Healey also notes that if these stands became ‘embedded’ through history, then they can be ‘dis-embedded’ too (2003:111). She explicitly relates this notion to the Eastern European context, where planners

‘...switch not just to a market economy, but to a different kind of governance organization. Argument is of course the classic tool of intellectual challenge to power relations, and its force in challenging the credibility and legitimacy of political regimes is well established.’

(Healey, 2003:111).

While this research provides evidence that might support Healey’s position, where the ‘natural’ attitude might be ‘embedded’ and influenced by the socialist ruling ideology and top-down regime, one might argue that some of the planning professionals’

attitudes towards the treatment of ‘the public interest’ can hardly be ‘dis-embedded’ in their current political and organisational circumstances. For most of the interviewees, the ‘contemporary power’ represents more of a threat to the implementation of ‘the public interest’, than the ‘socialist power’ ever was – and it is also a power that is difficult for them to challenge directly. Hence, the contemporary view of ‘the public interest’ within the realm of public goods, unitary and normative approach might represent a form of passive resistance, or even a planning practitioner rebellion, in order to criticize the legitimacy of current political regimes indirectly. This also means that the transition to a different substantive idea of ‘what the public interest is’ is not an easy task for Serbian planning professionals, as Healey suggested above.

### 3) *‘The public interest’ as a criterion for plan implementation and evaluation*

Both socialist and contemporary cases provide evidence that ‘the public interest’ serves as a criterion for the implementation and evaluation of plans. As Alexander states,

‘[Planning or a] plan that does not enhance, or reduces, the welfare of the residents of the designated planning territory or plan area, is not in the public interest, unless [there are] compelling public policy considerations in support of its provisions.’

(Alexander, 2002:238)

The socialist cases were mentioned as ‘good examples’ of planning ‘in the public interest’ due to the environmental and social sustainability of development, accessibility to SGIs, its non-profit character and good quality of materials, while the contemporary case of Stepa Stepanović was mostly criticized for lack of implementation of the points mentioned above. In this case, ‘the public interest’ was used as a criterion for the evaluation of the general positive outcomes (and not procedures) of planning practice. This is in line with the rational approach to planning where outcomes are ‘what matters’.

Nevertheless, it should be noted that it is not only ‘hard’ outcomes that represent a possible benchmark for the evaluation of planning ‘in the public interest’. As Alexander explains,

‘translating the public interest concept into a feasible evaluation framework demands a deliberative-dialogical approach, which plays out in interactive

processes that involve weighting various decision considerations and often evoke competing interests, conflicting rights, or incompatible values’.

(Alexander, 2010:143)

This is in line with the recognition of ‘blur’ within process and outcomes of collaborative practice. Hence, it can be argued that besides the tangible ‘hard’ outcomes, one can also include the evaluation of participatory collaborative practice – as a field for the substantive operationalization of ‘the public interest’. Hence, the majority of interviewees evaluated the Belgrade Waterfront case as ‘not in the public interest’ due to the ‘manipulated’ procedures of the public hearing, the lack of dialogue, and the rejection of 2000 of complaints, as well as the substantive and technical content of those objections. Similarly, a couple of interviewees criticized the process of the public hearing in the Stepa Stepanović case as short and lacking in transparency. However, it should be mentioned that not all of the interviewees agreed with this, and argued that the general public has no place in discussions concerned with the State’s development decisions. Again, this notion can be seen as a sign of path-dependency and technocracy, as well as the scepticism of professional elites towards engaging with the public when the professional ‘knows best’.

#### 4) *‘The public interest’ as a criterion for plan preparation*

Finally, this research proposed that ‘the public interest’ served in both socialist and contemporary practice as a criterion for plan preparation in addition to previous roles proposed by Alexander. As such, ‘the public interest’ is normatively articulated through the planning of generous (socialist cases) and minimal (contemporary cases) norms and standards for public land-use and SGIs, which are obtained through collaboration with other public enterprises and in line with the regulatory framework.

In addition to the normative dimension of ‘the public interest’ as a criterion for plan preparation, some interviewees and participants at public discussions in the case of Belgrade Waterfront perceive wide and meaningful public participation as an obligatory part of the plan preparation phase to reach the substantive expression of ‘the public interest’. This is also visible through the large-scale reaction of both the professional and general public in the form of protests under the banner of: ‘We won’t let Belgrade d(r)own’, that started during the public hearing for the purpose of adopting the Amendment of the GUP (2014). Participants were dissatisfied with the lack of



possibility to ‘be heard’ or to ask questions of the Planning Commission and the planners who were presenting the project to the public.

It could thus be argued that the possibility of reaching the substantive ‘public interest’ does indeed represent a criterion in the plan preparation phase for the representatives of professionals and the public present at the public hearing, but not for all planning practitioners interviewed for the purpose of this research. On the other hand, the findings in this research suggest that both the general and professional public gathered for public hearings and protests, and that the majority of planning professionals interviewed for the purpose of this research share certain views. In particular, the view that ‘the public interest’ should not be equated to the temporary economic / business interests of individuals close to the political establishment. Moreover, ‘the public interest’ should not be imposed through a parallel legal framework, where weak mechanisms of control and inspection allow for the promotion of private economic interests instead of basic public goods. Some of these critical points are related to the previously mentioned underlying issues of a non-transparent, autocratic and potentially corrupt political system, that does not allow for a meaningful or democratic planning process producing fair and sustainable outcomes (Anti-Corruption Agency Report, 2016).

Given that there might be a ‘common ground’ between the critical public and planners’ attitudes in defining ‘the public interest’, the main question is: what can be done to bring these together and potentially challenge the credibility and legitimacy of current planning decisions, and perhaps even political regimes (Healey, 2003)? Can Serbian planning professionals accept and engage with the substantive articulation of ‘the public interest’ through public engagement as a new, normative dimension of the concept, besides advocating the implementation of traditional norms and standards within the realm of public goods? These efforts require that planning professionals perceive public engagement as an instrument of empowerment, where new instruments of governance have the potential to challenge the actions of ‘contemporary power’ that they often criticize. Some of these questions will be re-visited in the following section.

### ***9.2.3 Global level***

Finally, the main contribution of this research is the provision of evidence that might support a re-evaluation of normative planning theory in relation to the treatment of ‘the

public interest' in process and outcomes (Chapter 8). This section will briefly return to the initial theoretical positions which informed this research and suggest how these were challenged.

The concepts of 'good planning' and 'the good city' are central topics in the long-lasting debate in planning theory. While some authors are concerned with the decision-making process (Campbell & Marshall, 2000; Healey, 1997), others address the values that should direct city development (Beauregard, 1989), the possible effects of urbanization on social change (Harvey, 1996), the role of planning professionals (Forester, 1999) and the importance of engaging with the particularities of the local planning context in order to reveal who shapes the city (Flyvbjerg, 1998, 2004). Fainstein holds the view that theory cannot be detached from the context, process and outcomes of planning, where the objective of 'good planning' should be 'conscious creation of the just city' (1999:250). The researcher's idea of 'good planning' that embraces the concept of 'the public interest' is closest to that of Fainstein, where the purpose of planning is to accommodate just processes in order to create a 'just' and socially sustainable city, which is where this research started off in the first place.

Some authors argue that the 'right' political economy is one of the main preconditions for creating a 'good city' (Harvey, 1996). For Harvey, economic equity based on Marxist values is a precondition of social justice. Harvey (2008) popularized the slogan 'the right to the city', that dates from Lefebvre (1968), advocating the collective right to shape the city, rather than aiming to improve individual status.

Nevertheless, Harvey's approach to 'good planning' is often criticized as utopian. Firstly, as Lukes (1974) or Flyvbjerg (1998:226) claim, powerful decision-makers determine what counts as knowledge, or, in line with this research, what counts as 'the public interest'. Therefore, the possibility of attaining 'the public interest' through a collective rather than pluralist approach, where 'the public interest' is a sum of individual interests, is usually based on unitary theory and prescribed from the top-down perspective, rather than reached by democratic processes (Chapter 2, section 2.3). This can be related to the early socialist planning practice in Serbia (Chapter 3).

Healey disagrees with Harvey by rejecting utopianism as a practical possibility to address the common interest. For Healey the 'pluralist socialist project' of defining and

implementing ‘good planning’ is not acceptable, because it requires a ‘particular interpretation of what ‘living together’ means, and how are we defining and observing the differences within’ (Healey, 1996:242). Here, ‘good’ process should recognize the diversity of interests (Fainstein, 1999). However, according to the findings of this research the ‘pluralist socialist project’ of defining and implementing ‘good planning’ is acceptable, for most contemporary planners, because a top-down interpretation of what ‘living together’ means was rationalized by the means – ends argument in terms of enhancing positive social change within the domains of social justice (Rawls, 1971 in Klosterman, 1978:43). However, the sustainability of this model remains in question, if we consider that the interests of highest level can, but need not be, in line with the actual interests of the public, as the contemporary examples in this research further testify.

Collaborative planning takes account of Habermas’ theory of communicative action that recognizes the diversity and pluralism of interests, which can be recognized through public dialogue (Fainstein, 1999). It should be recalled that, in relation to the collaborative approach to planning, the ‘public interest’ includes the right for everyone to be treated fairly and equally in the decision-making process (Howe, 1992), and it is assumed that ‘the public interest’ is achieved in part through the transparency of process. As Healey (1997) explains, the

‘...culturally homogeneous community with a common ‘public interest’ has been replaced in our imaginations by the recognition of a diversity of ways in living everyday life.’

Healey (1997:32)

Which is why she uses terms such as ‘aggregate interests’, ‘shared interests’ or ‘matters of common concern’ rather than the ‘public interest’ (Chapter 2, section 2.3.2). This statement can be criticized in line with the findings of this research, where the majority of planning professionals perceive ‘the public interest’ as a collective / shared interest within the domain of public goods rather than, or even opposed to, sum of individual economic interests.

Moreover, the findings from the contemporary case study analysis served as a basis for a re-evaluation of the communicative approach to planning. Both cases show that the existence of the public arena does not necessarily imply that the public will be able to present their interests, or treated fairly in the decision-making process (Fainstein, 1999).

In contemporary Serbian cases the interests of powerful decision-makers tend to dominate the discussion in the public arena, and to out-power opponents in the actual decision making whether or not they had a voice at discussions. Moreover, intangible outcomes such as social networking and social capital can be regarded as a result of *a lack of transparent and participatory processes* as well as being a reaction to the *lack of implementation of the normative 'public interest' in outcomes*, rather than being articulated as the result of the collaborative process, as Healey (2003) or Campbell and Marshall (2000) suggest.

Finally, the differences between the common values and pluralist approaches to defining and implementing 'the public interest' can be closely related to the socialist and market-economy societal order, as suggested in Chapter 2. As Fainstein (1999) argues, Habermas proposed the theory of communicative action in opposition to Marxist bureaucratic domination. She questions these two approaches in relation to their underlying ideology. In other words, is it 'the now-vanquished red bureaucracies', or 'the impersonal power of capital', which are a larger threat to social welfare? (Fainstein, 1999). This question is in line with the understanding that liberal pluralism failed to enable powerless groups to negotiate their way through the decision-making process, or even enter the public arena, where the interests of economically powerful actors still dominate the decision-making process (Flyvbjerg & Richardson, 2002). As Fainstein (1999:254) states:

'Increasing citizen oversight into the process will not overcome the biases toward economic power built into the present system. Democratic values and recognition of the willingness, often unconscious, of experts to be 'bought', point to alternative, participatory forms of decision making as a means to counter bias. But if these forms are created within existing economic structure, their scope will necessary be limited. Decisions will conform to dominant ideologies, which, in the US at least, derive from capitalist individualism.'

This statement can be related to socialist and contemporary cases in Serbia, where, according to the majority of planning professionals, the 'red bureaucracy' seems less of a threat to the implementation of 'the public interest' than the individual values of 'powerful' decision-makers in contemporary cases in Serbia. For these professionals, 'the public interest' should be reinforced by embracing non-profit and collective interests, instead of for-profit and individual interests.

The researcher thus does not agree with Fainstein's statement that 'increasing citizen oversight into the processes will not overcome the biases toward economic power built into the present system' (1999:254). To the contrary, if the decision-making processes in traditionally market-economy societies are influenced for decades by the promotion of individual values and capitalist individualism, a strong civil society and pluralist democratic tradition, we could tautologically argue that Serbian processes are still influenced by the socialist Marxist tradition and the promotion of 'collective values', where 'the public interest' is perceived as a non-profit component of city development. Therefore, in Serbian cases, 'forms created within existing economic structure', meaning increased citizen and planners' oversight over the process, could potentially challenge the contemporary power by working in concert with other promoters of transparency instead of conforming to dominant ideologies which they often criticize (based on what Fainstein suggests, 1999:254).

From this brief discussion it is clear that that what constitutes 'good practice' of planning 'in the public interest' cannot be generally prescribed, but must be reached through careful consideration of the process and outcomes in a local context. Based on the results of this research, the researcher argues that the context, process and outcomes should not be seen as separate spheres. Only an in-depth understanding of the possible co-relations, tensions and interdependence between these dimensions can provide a basis for identifying 'flaws' in practice, leading to recommendations for future directions of engagement. This approach is in line with Fainstein's stand on the inseparable link between the process and outcomes, where 'the dependence of effective planning is in its context, which means that activity needs to be rooted in an understanding of the field in which it is operating' (Fainstein, 2005:121). Furthermore, this thesis suggests that actual 'hard' outcomes should not be observed separately from the 'soft' outcomes, which could serve as the basis for future progression towards a new form of governance or new institutionalism, as Healey suggests.

### **9.3 Recommendations**

As presented in the contemporary case studies, the existence of a public arena does not mean that each participant will have just treatment or any effective voice in the decision-making process. Moreover, the current system offers no legal guarantee that the interests of different players in the process will be balanced, or that basic public goods will be implemented in the actual development. Therefore, the big question is

what can be done in order to challenge the political system so as to ensure a meaningful planning process ‘in the public interest’, where ‘the public interest’ would also be attained as an outcome. And, what, if anything, can be done to improve the early recognition and balancing of the variety of interests in the planning process? Moreover, what can be done to reconcile the claims between the imperative for economic development, and the concept of ‘the public interest’?

The recommendations for ‘good practice’ here are based on the idea that it is the transparency and quality of communication that matters (Healey, 1996), where the ‘publicness’ of projects could potentially challenge the prominent top-down ‘contemporary power’. This suggests that planners are to adopt a new role, where the substantive understanding of ‘what is in the public interest’ should become normative. Moreover, they would have to acquire new knowledge and skills to enable them to recognize and balance the variety of interest during the early stages of the planning process, as well as a critical understanding of the economic rationale of development besides the public and non-profit. This section will therefore propose recommendations for planners and procedural measures that would increase the chances of ‘the public interest’ being achieved in both process and outcomes.

### ***9.3.1 Recommendations for planners***

The interviewees’ narratives in this research were valuable for highlighting how power is manifested and distributed between the participants in the planning process. They revealed relations between what Flyvbjerg and Forester refer to as ‘power’ and ‘rationality’, where both power and rationality are not observed simplistically, but through social interaction (Healey, 2003). In both socialist and contemporary cases, ‘power’ is manifested in the possibility to shape process which is not to disturb desired outcomes. In the contemporary cases, this was achieved through a top-down approach to planning, the parallel legal framework, the planner’s lack of autonomy, the imposition of new processes and a new, flexible definition of ‘the public interest’. As Forester (1999:184) recognized, based on the work of Lukes (1974), Habermas (1984), and Foucault (1980),

‘we should expect planners to face at least three types of power: first, the ability to *make decisions* e.g. over policies or resource allocations; second, the ability to *filter issues* onto, or off of, decision makers’ agendas; and third, the ability to *shape others’ perceptions* of issues, needs, and even themselves.’

Given the findings in the Belgrade Waterfront and Stepa Stepanović cases, it can be argued that contemporary Serbian planners faced all three types of power considered by Forester. Firstly, they were prevented from making decisions over policies or resource allocations due to the adoption of *Lex Specialis* as a legal base at national level of both contemporary developments, as well as the already agreed-on plan that was provided by the State in both contemporary cases, and additionally private investor in Belgrade Waterfront case. Secondly, planners were to some extent able to filter issues of decision maker's agendas by providing requirements of city administration. However, in the case of Belgrade Waterfront, planners were unable to persuade the investor to provide anything above minimal norms (e.g. Opera house, homes for elderly), while in the case of Stepa Stepanović they witnessed the development of private / commercial land-use, even though the plan predicted health clinic as public land-use. Hence, most of the planning professionals included in these projects concluded that they fought for 'the public interest' as much as they could, but that their 'voice' remained at the level of informing rather than 'shaping others' perceptions', as Forester (1999:184) suggests.

Besides showing how socialist and contemporary 'power' shape 'rationality', these contemporary cases also reveal how 'rationality' can challenge 'power'. This was achieved through social interaction and reaction in the form of experts' forums and public protests. In the Stepa Stepanović case, the public managed to 'fight' for the school and kindergarten, while the Belgrade Waterfront case implies the potential creation of new governance instruments. These social reactions as well as the narratives of planning professionals suggest that both planners and a critical public share the notion that 'the public interest' is different from the individual economic interest of individuals close to the political establishment, and that it should not be imposed top-down without meaningful discussion or right to complain. Moreover, in both contemporary cases planning of norms and standards for public land-use was considered an insufficient method to protect 'the public interest' due to the emergence of other interests that abolished the implementation of basic public goods.

Therefore, based on the findings in this research, it is recommended that the normative should accompany the substantive expression of 'the public interest' for planning professionals and policy makers. This means that 'the basic public interest' should be achieved through wide and meaningful public participation, in addition to the planner's advocacy for implementing norms and standards for public land-use and SGIs. While

the implementation of basic norms and standards is to remain a regulatory domain of professional planning practice, their implementation requires a higher level of 'publicness' and exposure to public scrutiny, in order to overcome obstacles such as corruption, lack of transparency and the emergence of various other interests that are potentially harmful to 'the public interest'.

With this in mind, the researcher suggests the use of the phronetic approach in professional planning practice, as employed by the researcher in this study. This means using their intimate familiarity with the local context to spot potentially conflicting interests at early stages of the process in order to be able to determine further courses of action. Moreover, they would require new capacities too, in order to recognize and reconcile the variety of interests. Planners would need to be able to perceive different economic, social, and environmental as opposed to technical / physical-only requirements, at an early stage in the planning process. These new skills would enable them to engage with and possibly change the outcomes of the game, as they engage with market forces too. For example, a better understanding of real estate values, project viability, or social impact assessment, might enable them to argue more effectively for 'better' outcomes. These different knowledges about future development would help planners to spot individual and common interests between different stakeholders and general public, potential conflicting interests, as well as potential threats to the normative 'public interest', as they understand it.

Forester (1987), too, proposes democratic deliberation in order to effectively address the problems of balancing 'individual interests' and 'community welfare'. He says:

'First, planning staff must distinguish clearly the two complementary but distinct mandates they typically must serve: to press professionally, and thus to negotiate, for particular substantive goals [design quality or affordable housing, for example], and to enable a participatory process that gives voice to affected parties, thus like mediators, to facilitate negotiations between disputants.'

Forester (1987:311)

Based on Forester's statement, the particular goals in our case would be the normative expression of 'the public interest' as planners perceive it, or the implementation of norms and standards for public land-use. Enabling a participatory process would give voice to affected parties, as well as helping to achieve an understanding of the substantive expression of 'the public interest'. Moreover, public decisions are required



to provide transparency, cross checking and control of decisions by exposing them to public scrutiny. Assuming the path-dependency approach, it is expected that the general public would act to protect collective and non-profit, besides individual interests.

The questions that arise are: are Serbian planners able and willing to engage with the new role as phronetic and ‘deliberative’ practitioners? Are they willing to accept that technician-only role is not sufficient to protect ‘the public interest’ in planning? Are they willing to attend public hearings as mediators of the process rather than as passive listeners? Are they willing to observe and treat the general public as their ally in creating an arena where rationality could potentially out-power the powerful? Forester (1994:155) explained what this new role would mean for planning professionals:

‘Planners may also come to understand their roles in new ways: to see themselves not as unappreciated scapegoats, distrusted and resented by irate neighbours or developers, but as active facilitators and mediators of public voice; not just as narrow technicians but as technically competent professionals able to listen to conflicting views, mediate between interdependent parties, and negotiate to protect various public interests as well.’

Forester (1994:155)

Here, as Forester argues, protection of ‘the public interest’ should remain the core of planners’ conduct. Accordingly, it is recognized that all of the interviewees in this research confirm that they are ethically committed to the protection of ‘the public interest’. Therefore, besides approaching the process of implementing ‘the public interest’ through deliberation and wide and meaningful communication with representatives of the public, politicians, developers, and the NGO sector, planners should communicate widely and meaningfully between themselves. As Forester (1994) explains,

‘If the bad news is that social science provides know-what rather than know-how, the good news is that judgment and practice can be learned and taught, perhaps ‘coached’, not only via quasi-scientific studies, but through insightful stories, relevant examples, and critically examined experiences.’

Forester (1994:156)

Hence, it is suggested that communicating with colleagues about doubts, thoughts, pressures, neighbourhoods, and many more issues, would help with changes in practice, too. If ever published in Serbia, this thesis could serve as a reader for planning professionals to obtain an insight into their colleagues’ voices.

### ***9.3.2 Recommendations for process***

Given the previous findings, the researcher takes the view that ‘the public interest’ should be observed as an instrument of both empowerment and control. This is based on an understanding that the technocratic practice of contemporary practitioners within the uncertain political, institutional and economic situation in Serbia requires a revised legal framework, control of procedures through exposing planning decisions to public scrutiny, as well as the preservation of traditional, normative ‘public interest’ that would ensure implementation of at least minimal norms and standards for public land-use and SGIs. Empowerment through a wide and open collaborative process should aim for constant cross-checking and the evaluation of planning decisions, at least in the phases of defining the problems and proposing solutions, where it is assumed that the Serbian general public has the potential to recognize and protect the ‘collective public interest’, besides ‘fighting’ for individual interests. The final understanding of ‘what is in the public interest’ should be reached in consensus between the general public and the State, as the majority of interviewees in this research suggest.

On a broader note, the researcher proposes a re-evaluation of the Law on Planning and Construction (2015) by introducing the legal obligation to balance private interests and ‘the public interest’ - similar articles are available within the Croatian (Spatial Development Law of Croatia, 2013) or German legal framework (Federal Building Code of Germany, 1997). Ensuring the legal obligation to balance private and public interest would mean that the general public would have a legal basis to ‘fight for the public interest’, where complaints at the public hearing concerning the protection of public goods could not be easily dismissed as ‘ungrounded’, as was the case in the Belgrade Waterfront project. Taking this into consideration, the general public would have a legal basis to sue the State if it fails to implement and develop the minimum of public land-use and SGIs. This measure could serve as an instrument of control that would ensure the implementation of substantive, as well as normative expression of ‘the public interest’.

The process of adopting a new legal and planning framework in both contemporary cases was oriented towards ensuring the legality of future development. However, the findings in this research suggest that its adoption did not entirely succeed in reaching legitimacy / public acceptancy, or even true economic viability. With this in mind, the

researcher proposes additional methods of transparency and public participation in the early stage of planning process in order to enable implementation of the substantive alongside the normative ‘public interest’. Moreover, a comprehensive viability study should be conducted and exposed to public scrutiny prior to the resolution of plan elaboration. The outcomes of such a process would provide for socially and environmentally sustainable, as well as economically viable outcomes.

The main interventions in both contemporary cases of planning ‘in the public interest’ are thus concerned with the need for legally assuring the necessity for balancing different interests, aiming for a certain level of certainty that the substantive expression of ‘the public interest’ reached through collaboration and participation will actually be implemented; and, conducting a transparent feasibility study that might enhance reconciling the claims between the economic development imperative and ‘the public interest’ concept in market-economy circumstances. One of preconditions to potential success in reaching ‘the public interest’ in both process and outcomes depends on the willingness of planning professionals to adopt a new role for phronetic and deliberative actors, in addition to their role as technicians.

It can be concluded that no wide and meaningful participatory process can exist ‘in a vacuum’. It requires certain preconditions such as *real* democracy and transparency of political and institutional arrangements, an open public arena to recognize the pluralism of interests, as well as a strong civil society (Petovar, 2010). Only meaningful collaboration could produce a substantive expression of ‘the public interest’. In contrast, the substantive ‘public interest’ in contemporary Serbian practice was derived as a result of the lack of possibility for formal collaboration. However, it is assumed that this ‘soft’ outcome takes the form of social capital, and as such it represents the initial basis of new governance, necessary for making a change (Healey, 2006).

#### **9.4 Implications in relation to method**

As Landman suggests, a phronetic approach to planning research ‘can illuminate the ways in which individuals experience, confront and exercise power’ (Landman, 2012:28). The phronetic approach in this research involved a problem-driven case study research design based on the mixed-method approach. This meant allowing the proposed combination of qualitative and quantitative inquiry as it follows from the main problem, but also the possibility for planning practitioners themselves to direct this

research by pointing out cases of planning ‘in the public interest’ of their concern. Hence, the phronetic approach to the research of Serbian planning practice was also directed towards providing ‘knowledge that the people being studied can themselves use to better address the problems they are experiencing’ (Schram, 2012:16).

This research concluded that cases identified through the phronetic approach might be characterized as both critical and ‘dubious’ practices with regards to how ‘the public interest’ was manifested (based on Flyvbjerg, 1999). It can be concluded that New Belgrade and Block 23 cases represented potentially critical examples of socialist development in terms of both normative and substantive expressions of ‘the public interest’. They are characterized by a top-down approach to planning, the consistent implementation of norms and standards for public land-use and SGIs, compliance with legal and planning framework, and a lack of public participation as a means to obtain a substantive understanding of what is in the interest of general public.

On the other hand, the contemporary examples show elements of extremity when it comes to the normative articulation of ‘the public interest’ through the parallel planning and legal framework that abolished existing regulations and required changes to the higher-level plans. When it comes to the possibilities of addressing the substantive expressions of ‘the public interest’ through public participation, both cases show that the procedures were conducted in a non-transparent and tokenistic manner, where the general public had no real effect on the outcomes of the planning process. Some extreme characteristics can also be seen in the large-scale public reactions to Belgrade Waterfront and Stepa Stepanović. Hence, these findings might provide an understanding of the changing role of ‘the public interest’ on a large-scale, in market-oriented and State supported planning practices within a post-socialist context. In both cases we also find the ‘dubious’ practices of a potentially corrupt and autocratic political establishment.

Both contemporary cases potentially represent ‘firstborns’, the new generation of the State backed-up market-oriented planning practice in Serbia. One interviewee mentioned that there were four projects similar to Stepa Stepanović in Serbia already. Hence, there is a possibility that these contemporary cases, while initially extreme, might become critical in the development of similar projects in the future. Or, as one interviewee explained with regard to the Belgrade Waterfront development: *‘These*

*harmful practices come 'through the small window', but soon spread around whole Serbia like a plague...' (ICT 2).*

Besides the possibility of identifying and researching the cases to reflect the concerns of the interviewees themselves, the phronetic approach allowed the researcher to

‘...uncover perceptions, experiences and feelings about power, relations and institutionalized constraints as they are confronted [or not] through social and political engagement.’

(Landman, 2012:32).

This point is particularly important in relation to the ethics and ‘sensitivity’ of the research, given that ethical judgments are an inseparable part of planners’ daily practice.

The phronetic approach also aimed at the attainment of an in-depth understanding of the local planning context in which ‘the public interest’ is framed and articulated, which might not be possible to understand through any other research methodology. In this case, in order to reach *phronesis*, the researcher was to use other available sources of data, where some were revealed through qualitative interview. These included participant observation at public meetings, content analysis data obtained from certain websites (Facebook page of ‘Ministry of Space’ and Stepa forum) and the quantitative and content analysis of plans. All of these sources of data provided additional contextual understanding of the stories of participants in this research. Secondly, they provided a solid ground for the triangulation or, cross-checking of the domains of planning practice where ‘the public interest’ is articulated. Thirdly, they made for completeness and clarified both process and outcomes within a more exact time-line. Finally, they helped to reduce potential bias and provide some additional credibility for the findings of this research.

## **9.5 Limitations of the research**

One of the limitations concerning the scope of this research is its retrospective approach of socialist practice, given that only a few interviewees had the opportunity to work in planning in Belgrade during the 1970s. This caused a lack of comprehensive qualitative data on planning process during the socialist era. At the same time, the contemporary case of Belgrade Waterfront is still to be developed, therefore the data on its outcomes is based on interviewees’ assumptions. This research tried to overcome some of these limitations by referring to content analysis of the legal and planning framework, as well

as quantitative data analysis that provided more contextual understanding of the particular eras.

As this research was based on problem-driven research design and the cases were derived from the interviewees themselves, this means that the cases were not determined by the researcher in advance. Therefore, another possible limitation of this research is that it did not include any cases from the 1990s. Based on the path-dependency approach, it can be assumed that although the era of the 1990s is often described as a period of discontinuity in planning (Nedović-Budić et al., 2011), it did possibly influence the current planning practice in relation to the treatment of ‘the public interest’. This could serve the basis of a fruitful future research project on Serbian planning practice.

With regards to methodology, the most obvious ‘danger’ was the researcher’s bias or potential lack of ‘skill’ or ability in detaching herself from the ideology embedded in the local context, so as to critically observe the specifics that relate to the articulation of the social phenomenon in the given setting. However, this research is heavily based on an interpretive theory, according to which it ‘is more important to arrive at an understanding of how the social world is subjectively experienced and interpreted by people’ (Schram, 2012:22). Therefore, one might argue that phronetic research cannot be detached from the notion of bias because it takes intimate familiarity and practical wisdom about the local context as a precondition to conducting the research on the social phenomenon in question.

Secondly, with regards to the critique that case study research is not easily generalizable, Flyvbjerg (2006) notes that one can only become an expert and generalise based on knowledge obtained by dealing with many single cases rather than text-book general knowledge on the subject. In our case, increasing context-dependent knowledge on the changing role of ‘the public interest’ in Serbian planning led to an increase in context-independent knowledge concerning theoretical interpretations of ‘the public interest’ in planning. The phronetic approach to the research on planning practice could thus potentially increase the validity of the research, as well as the possibility for generalisation beyond the context of these specific cases. Or, as Landman (2012:27) states,

‘contextually informed knowledge based on a phronetic approach can move beyond cases under investigation and provide generalisations that are helpful for solving political problems in other contexts’.

Landman (2012:27)

As such, possible future publications from this thesis could potentially contribute to knowledge on planning practitioners’ practice in advocating ‘the public interest’ in a post-socialist country context.

## **9.6 Open field for future research**

There are several possibilities for conducting further research into the changing role of ‘the public interest’ in planning practice in Serbia. When it comes to the extension of the scope of this study, there is the possibility for a re-evaluation of these findings in relation to the outcomes of Belgrade Waterfront case in years to come. Future research could also include cases from the 1990s, as this era was not covered in this thesis.

Another area for future research could be in line of expanding the area to other post-socialist or even traditional market economy societies and conducting a comparative study. Hence, there would a possibility to investigate how does ‘the public interest’ articulate within traditional market-economy societies based on the notion of traditional utilitarian approach to defining ‘the public interest’ and longer practice of collaborative planning.

When it comes to the possibilities of empirically investigating the ‘big’ theoretical debates around the collective and individualist approach to defining ‘the public interest’, future research might examine whether and how the Serbian general public actually perceives ‘the public interest’. In other words, the research would aim to examine the question of whether it is possible that a post-socialist society understands ‘the public interest’ as a collective, rather than an individualist dimension. This notion is in line with findings in this research which imply that the critical Serbian public holds potential to ‘fight’ for collective, besides individual interests.

This idea might even be expanded into comparative research which would take into account the contexts of both a post-socialist and traditionally market economy societies. Hence, this kind of research would also provide an opportunity to empirically examine Fainstein’s (1999) or Healey’s (2003) position that relates to individualist ideology and

fragmented character of traditionally market-economy societies with regards to the opportunity to reach an understanding on what is ‘in the public interest’.

On a more practical level, it would be interesting to examine the effects of introducing an early public hearing into formal Serbian planning practice (Law on Planning and Construction, 2014), as a potential instrument of deliberation and achieving an insight into the bottom-up, substantive expression of ‘the public interest’. Moreover, the subject of some future research on Serbian planning practice could examine the question of how planning practitioners engage with this new legal obligation to include the public early on in the planning process. And, would this legal obligation help planners to act beyond technocracy, where the substantive expression of ‘the public interest’ might potentially become normative?



## **Appendices**

### **Appendix 1 – Information sheet**

**Purpose of the Study.** As part of the requirements for PhD at Heriot-Watt University, I have to carry out a research study. The study is concerned with the changing role of the concept of the public interest within planning practice in Serbia.

**What will the study involve?** The study involves quantitative analysis of the critical cases where the public interest is manifested, as well as the qualitative inquiry with professionals from the planning practice and their perception on the changing role of the concept of ‘the public interest’ through identified dimensions of: public land use, public services, public participation, expropriation and daily planning practice of planning practitioners.

**Why have you been asked to take part?** You have been asked because it is presumed that you possess knowledge and practical experience that would provide valuable data for this study.

**Do you have to take part?** Participation is voluntary. You will obtain a consent form that you will be asked to sign. You will get to keep the copy of the information sheet and the consent form. You have the right to withdraw from the study at any moment, even if you initially agreed to participate. Obtained data will be kept and prosecuted in confidentiality, in line with the ethics form and guidelines provided by the researcher and Heriot-Watt University.

**Will your participation in the study be kept confidential?** Yes. Obtained data will be kept and analyzed in confidentiality. I will ensure that no clues to your identity appear in the thesis, therefore both you and the organization you work for will stay anonymous. Any extracts from what you say that are quoted in the thesis will be entirely anonymous.

**What will happen to the information which you give?** The data will be kept confidential for the duration of the study. On completion of the thesis, they will be retained for a further six months and then destroyed.

**What will happen to the results?** The results will be presented in the thesis. They will be seen by my two supervisors and the external examiners. The thesis may be read by future students on the course. The study may be published in a research journal.

**What are the possible disadvantages of taking part?** I don't envisage any negative consequences for you in taking part. It is possible that talking about your experience in this way may cause some distress.

**What if there is a problem?** At the end of the interview, I will discuss with you how you found the experience and how you are feeling. If there is any problem, there is a possibility to contact the person in charge.

**Who has reviewed this study?** This study has been approved by the Ethics Committee of Heriot-Watt University, as well as my supervisors Prof Glen Bramley and Dr Peter Matthews.

**Any further queries?** If you need any further information, you can contact me: Nataša Čolić, [nc141@hw.ac.uk](mailto:nc141@hw.ac.uk), [natasa.colic@hotmail.com](mailto:natasa.colic@hotmail.com) or 063293060.

If you agree to take part in the study, please sign the consent form overleaf.

## Appendix 2 – Consent form

I.....agree to participate in Nataša Čolić's research study.

The purpose and nature of the study has been explained to me in writing.

I am participating voluntarily.

I give permission for my interview with Nataša Čolić to be recorded.

I understand that I can withdraw from the study, without repercussions, at any time, whether before it starts or while I am participating.

I understand that I can withdraw permission to use the data within two weeks of the interview, in which case the material will be deleted.

I understand that anonymity will be ensured in the write-up by disguising my identity.

I understand that disguised extracts from my interview may be quoted in the thesis and any subsequent publications if I give permission below:

(Please tick one box:)

I agree to quotation/publication of extracts from my interview ☐

I do not agree to quotation/publication of extracts from my interview ☐

Signed.....

Date.....

RS 01.09.14

### Appendix 3a – Interview guide for planning professionals

- Aims of the research

This study deals with identifying and analysing the changing role of ‘the public interest’ in Serbian planning practice. I am going to ask you a series of open-ended questions to see what you think about things.

- Ethics
- Feedback will be provided at the end of 2015

1. What is your first association with the role of ‘the public interest’ in your daily practice?
  - Can you give me any example of planning ‘in the public interest’ in Belgrade?
2. If we look at the city of Belgrade, do you think that the city responds to the needs of citizens in relation to availability and accessibility of basic public goods, meaning public land-use and SGIs?
  - How do you plan public-land use, what are the criteria that you have to meet? (and give an example)
  - What other institutions do you need to contact in the plan preparation phase? How would you describe the quality of collaboration with other institutions? (and give an example)
  - Is the land-use of lower-level plans always in line with the higher-level plans?
3. Do you think that expropriation of land is an instrument of planning ‘in the public interest’?
  - Is there any other instrument for achieving ‘the public interest’ that you would like to talk about?
4. Do you think that an understanding of ‘what is in the public interest’ should be something regulated by the State, top-down, or, by the general public, bottom up? (and give an example)
5. Do you think that public participation represents a valid instrument for obtaining an understanding what is in ‘the public interest’?

- Do you think that public is sufficiently, transparently and at the right time included in the public participation process? (and on the example)
  - Would you characterize public participation in Serbia as ‘informing the public’, ‘consulting the public’ or ‘active participation of the public’? Why? (and give an example)
6. Do you feel like a protector of ‘the public interest’ in your daily practice? (and on the example)
- If yes, how do you aim to protect ‘the public interest’ in your daily practice? (and give an example)

## **Appendix 3b – Interview guide for residents of neighbourhoods**

- Aims of the research

This study deals with identifying and analysing the changing role of ‘the public interest’ in Serbian planning practice. I am going to ask you a series of open-ended questions to see what you think about your neighbourhood.

- Ethics
  - Feedback will be provided at the end of 2015
1. Can you tell me something about your experience of living in this neighbourhood?
    - When did you move to this area?
    - Based on which criteria did you decide to live in this neighbourhood?
    - What do you like about the area you live in, and is there anything that bothers you?
  2. What do you associate the term ‘in the public interest’ with? Is it necessarily a development or a land-use that is free of charge / non-profit?
  3. Do you think that your neighbourhood responds to your needs for public / non-profit land-use and SGIs?
    - Can you tell me which SGIs you require on a daily basis, and can you access them within your neighbourhood?
    - Is there any land-use that you would like to have in your neighbourhood that is not available at the moment?
  4. Do you think that the definition of ‘what is in the public interest’ should be a decision of the State, or something the general public should be asked about?
  5. Have you ever participated at any public hearing event?
    - Do you think the public is informed about planning practice?
  6. Do you consider planning professionals as ‘protectors of the public interest’?
    - Do you think someone else should act as a ‘protector of the public interest’, too?

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### ***Plans***

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